# AMERICA'S PURPOSE

*BY*

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ALFRED J. SNYDER.

BOOK I

# THE EVOLUTION OF AMERICA'S PURPOSE

CHAPTER I

# INTRODUCTION

*"When in the course of human events it becomes necessary—"*

DECLARATION OF INDEPENDENCE.

MAN, in his more noble moods, makes bold resolutions. These firm resolves are the source of his greatest strength. Yet, in the qualms of weakness, these are the first to be discarded. One who dares remind him of his solemn pledge is indeed a friend, but in so doing risks that friendship.

A nation is merely many men, and likewise, has its noble moods and makes bold resolutions. "Youth is the seed-time of good habits as well in nations as in individuals."[1] A nation also has its faint moments when moral courage is relaxed. To remind a nation, grown into empire, of those ideals with which it was conceived, is certain to incur resentment, and perhaps provoke an angry charge of "treason." But when our own nation, in the full vigor of its manhood, stands dazed and bewildered, paying heed to every false advice, yet ignoring the wisdom with which it was born, then the obligation to recall those pledges is imperative.

Reminding becomes a double duty when the very purpose for which our nation was brought into being, both solves its present problems and holds the only hope for its future existence.

[1] Thomas Paine; "Common Sense."

Today the social structure of our nation is undergoing vast and hurried changes. Time honored institutions and long accepted doctrines are being questioned, while newer theories clamor for recognition. The American people are confronted with the task of deciding which of the old to discard and which of the new to adopt. National pride dictates that only those changes be accepted which are in line with our national tradition, in keeping with what we are pleased to term, the "American way." Unfortunately, constant and rapid immigration has brought into this country philosophies foreign to our tradition; while within our country, an abundant prosperity, enjoyed without gratitude, over a long period has made some, who are American by birth, dull to the real meaning of our American ideals. Many now say we have no American beliefs, that emergencies demand the acceptance of theories and doctrines, of other people. Others, who should know better, feign ignorance of our ideals, mock them, deny them, and even distort and substitute false doctrines in their place.

We talk of the "American way," yet how many know the meaning of the term? Some even question that it has a meaning. Every American should know that America has a philosophy; that the American philosophy is not only political but extends into the whole realm of human affairs; that it applies to existing economic problems; that it presents the only certain solution to their complexities; and that the American philosophy is right.

What is this philosophy? From whence does it come? By whom was it propounded? How does it apply? What solution does it offer?

The answers should be on the tongue of every American. Unfortunately there are few who know its terms, its meaning, or its application. Because we are ignorant of our own traditions, we are on the verge of accepting foreign philosophies. America must not make the mistake of adopting any of the

false doctrines which are aligning humanity against itself and tending to disrupt the rest of the world. The urgent need of this nation for a knowledge of its own philosophy is the necessity which dictates this book.

This nation did not just happen, nor did it chance into existence by the usual paths of history. Our forefathers truthfully claimed, "To fraud, to force, or accident, all the governments we know have owed their birth."[2] "The Americans are the first people whom Heaven has favored with an opportunity of deliberating upon, and choosing the forms of government under which they should live."[3]

Ordinarily people become welded into nations after centuries of interbreeding. Similarity in race, religion, or geographic position account for their national existence. A new nation is forced into being only by violent military or economic necessity. Today, however, we in America, exist as a nation, though as a people we are unrelated in racial origin, drawn from every corner of the earth, profess every known religious creed, live beyond mere economic necessity, and are without fear of military invasion. We exist as a nation without any of the ordinary ties required to bind people together as a nation.

A resolute purpose forms the solitary corner stone of our national structure. The common belief in the "equal rights of man" was our one reason for becoming a separate nation. The preservation of these "equal rights" is the single purpose for our continuance as a nation.

America's purpose is not the mental gem from the mind of some one man, or even of the group of men that brought this nation into being. It did not suddenly blaze forth in full

[2] Charles Pinckney; at the Convention of South Carolina ratifying the Constitution, 1788.

[3] John Jay, 1776, later first Chief Justice of the United States Supreme Court.

brilliancy upon the sky of human events. Nor did it begin as an enactment of human legislation. America's purpose is part of the very laws of nature; a persistent truth, struggling for recognition by man. Its cry for belief was heard by wise men from time to time since the very beginning of mankind. At first its faint philosophy had but few followers. By their teachings it gained greater credence. At times its truths were crushed beneath the heels of tyrants, only to rise with greater force. Throughout the ages it developed from a mere whisper to a mighty murmur of human belief.

In 1776, America's purpose was written for the first time into human laws. It was the primary legislation of our new nation. Into the Declaration of Independence, which voiced our right to a separate national existence, those wise philosophers, to whom we owe our birth, wrote their philosophic beliefs:

> "We hold these truths to be self evident that all men are Created equal, that they are endowed by their creator with certain inalienable rights; that among these are Life, Liberty, and the pursuit of Happiness."

The nation they were establishing was not to be an aimless collection of humanity, but a new kind of nation; a nation with a purpose. They stated this purpose clearly and concisely when they added; "That, to secure these rights, governments are instituted among men."

◆

Time tends to decay. Even the firmest foundation in time needs rebuilding; the firmest resolution requires reiteration.

Some eighty years after this nation's birth, it became necessary for Abraham Lincoln to remind Americans that the

nation "our fathers brought forth on this continent" was "dedicated to the proposition that all men are created equal."[4] Our nation had lost sight of the purpose for which it was founded. Lincoln pointed to this decline; "Near eighty years ago we began by declaring that all men are created equal; but now from that beginning we have run down to the other declaration, that for some men to enslave others is a sacred right of self-government."[5]

Some like to excuse conditions on the theory that good and bad run in cycles which are beyond human control. For once the cycle of conditions happens to fit their theory. After a similar period of eighty years, our ideals have again "run down to a declaration" that for a few to exploit the lives and labor of millions of Americans is not only their "right," but their "American right of liberty." This is but one of the many distortions inflicted upon American principles.

The ideal of equality has been so far forgotten that one who dares to advocate even a hesitant step in that direction is labelled "un-American." Inequality has become an accepted condition. Some now say the plain term "equality" was not intended. They apologize for our Revolutionary forefathers. They explain, that for which those patriots fought and bled was merely the limited right of "equality before the law"; which can only mean the doubtful privilege of suing or being sued in courts bound by unequal laws. They would reverse the purpose of our government, so its every muscle would be strained to perpetuate inequalities, against the natural trend of progress toward "equality."

"The right to life" has been diminished to a gamble for the means of existence. Security has become the luxury of a few. Life, for many, is a hazardous venture against overwhelming odds. Our government, "instituted to secure these

[4] Abraham Lincoln's famous address at Gettysburg, November 19, 1863.
[5] Abraham Lincoln's reply to Senator Douglass, October 16, 1854.

rights"[6] is supposed to act only as an "umpire" in this game of chance. While those who wish to enjoy the "adventure of speculation," at the risk of the lives and happiness of others are permitted to do so, providing they play according to the rules.

One who dares defy this travesty on American ideals is labelled "radical" and "revolutionary," as though to protest against injustice has become high treason. It has been said, "We have forgotten the very principle of our origin, if we have forgotten how to object, how to resist, how to agitate, how to pull down and build up, even to the extent of revolutionary practices, if it be necessary to readjust matters."[7]

We are told we must worship as "sacred" the errors made in the past, that the written laws and constitutions of human workmanship take precedent over the Laws of Nature. Forgotten is the advice that, "A strict observation of the written law is doubtless one of the high duties of a good citizen, but it is not the highest. The laws of necessity, of self-preservation, of saving our country when in danger are of higher obligation."[8]

"Stand by your constitution" has become a slogan for blind adherence to existing inequalities. The law-abiding instinct of Americans is thus played upon to prevent the necessary changes that would deny a few their unfair advantages. No one dares to mention that "the basis of our political systems is the right of the people to make and alter their Constitutions of Government."[9]

Americans are told they must accept depression, poverty and defeat, as necessary conditions, as part of the "normal cycle" of existence. Placated by empty promises of "pros-

[6] Declaration of Independence.
[7] Woodrow Wilson; "The Essential American Tradition," by Jesse Lee Bennett.
[8] Letter by Thomas Jefferson to J. B. Colvin, September 20, 1810.
[9] George Washington's Farewell Address, 1796.

perity," and equally empty claims of "recovery," they exchange their right to an abundance for a crumb of "relief." Their appetite for happiness has been so long denied, that it is easily sickened by a few charitable sweets. The sterner stuff from which Americans were made has become too thin. The Continental European philosophy of "contentment amid poverty" threatens to replace the American "right to the pursuit of Happiness." Vague hopes for future rewards are accepted in exchange for the fundamental belief in a kindly Creator of an abundant nature here on earth.

As Lincoln once said, "Prosperity" has "bred Tyrants"; they have "reappeared in this fair land" and are about to "commence their vocation."[10] They have already begun to distort American principles to their use. If these principles were merely the policies of some political party, we might look on with only mild feelings of repugnance while they are being twisted and contorted. But the principles of the Declaration of Independence are the pronouncement of our nation's purpose. They are the avowed determinations of our people. They are the reason for our national existence. Those who attempt to twist and distort these vital principles are torturing the very flesh and soul of every true American. It is but a question of time, when the irritation will exhaust the patience of an outraged people, and cause them to turn the force of their resentment upon their tormentors.

There was a time when the "self-evident truths," upon which this nation was founded, were called "self-evident lies," when they were labelled "glittering generalities" and said to be "too idealistic" for the day and age.[11] It should not be necessary to recall the bloodshed, strife and civil war which

[10] Abraham Lincoln's speech in Springfield, Illinois, June 26, 1857.

[11] See Abraham Lincoln's letter addressed to H. L. Pierce and others, April 6, 1859, praising Jeffersonian principles, and referring to those who criticised the Declaration.

threatened to destroy our nation, once its principles had been violated.

The fundamental ideals of our country are, therefore, repeated, analysed, explained, and applied; not as precedents for blind acceptance, but as principles depending upon their own merit as truths. To acquaint Americans with the real meaning of their ideals; to challenge the feeling of smug "superiority," which denies "equality"; to create a realization of the "Rights of Man"; to awaken that spirit with which America was born, in the hope we may avoid the natural consequences, which must follow if our nation's purpose is distorted and denied; this work is dedicated.

## CHAPTER II

# THE ANCESTRY OF AMERICA'S PURPOSE

*"The error of those who reason by precedents drawn from antiquity, respecting the rights of man, is that they do not go far enough into antiquity. They do not go the whole way."*

THOMAS PAINE.[1]

WHEN we examine the past, our purpose should be to ascertain if we have advanced; to find the direction of the paths of progress; to learn what means have aided us in our journey and what impediments remain to block our way. In this manner, the past can enable us to quicken our steps and hasten toward the goal of the future.

Many million years ago, life first formed upon the cooling earth in tiny single cells. Each was a separate living thing, sufficient to itself. The lowest form of life was purely individual. Some jots of life were satisfied to remain isolated beings, and even to this day are simple single cells. But all life was not content in that solitary state; an impulse built by nature into its very structure urged it to combine with other life. From these unions of living cells evolved many complex creatures, among them man.

Combination had a curious effect. Life which combined be-

[1] Thomas Paine: Essay, "Rights of Man."

came more highly developed. The animals of many cells were more advanced than those which remained as single cells. Nature placed a special premium on cooperation.

This urge to unite was irresistible in those cells destined to become man. When they had succeeded in their task and achieved the status of man, the impulse had not yet spent its force. The tendency to combine became man's outstanding characteristic. He was not content to remain alone but joined with other men to form society. " 'It is not fit that man should be alone,' said the all-wise and all-gracious Author of our frame, who looked with compassion on the first solitary state of the work of his hands."[2]

The social instinct of man was his sword and shield. Compared to other primitive animals he was puny and weak. Alone he would have furnished a single, dainty morsel to whet the appetite of some mammoth beast. Together with other men he was a giant in power, with strength and skill that more than multiplied with his numbers, which enabled him to subdue all other creatures. "Nature has endowed him with a principle, which gives him force and superiority, where otherwise he would be helpless and inferior. By sociability, they, who separately could make no effectual resistance, conquer and tame the various kinds of the brute creation."[3]

The earth is truly the source, the sustenance and the sepulcher of man. He came into existence because the earth at its surface was suitable for his needs. The air, water and soil furnished all that was necessary to sustain and preserve life. Conditions were both kind and abundant to nurture human life in that frail and helpless beginning. When the status of

[2] James Wilson: Essay, "Of Man as Member of Society."
[3] James Wilson: Essay, "Of Man as Member of Society."

primitive man was achieved, he was crude and only slightly advanced beyond other creatures. During infancy he was dependent for a longer period, hence more helpless than his animal enemies. An abundance which overwhelmed his needs, harvested through cooperation with his fellowmen, accounts for man's ability to withstand the struggle for existence and attain his present status.

Much has been written concerning the principle of the survival of the fittest. It is a biological fact that in a natural state, such as existed in primitive times, only those animals which were best fitted by reason of extra strength or cunning were able to survive. In this manner nature provided a process of selection which made for a higher creature.

The difference between man and beast lay in the quality of their social instincts. Both had the instinct of self-preservation, but man had a greater desire for companionship and the stronger tendency toward cooperation. These instincts united him with his fellowmen and caused him to construct society as a protection against the destructive forces of this struggle. Society was erected as a fortress to prevent man from being eliminated in the struggle for existence, not as an arena within which to continue the struggle to the death.

The strong and the weak fought side by side against the common enemy. The strong man cast the stones and hurled the spears, but the weaker man gathered them up and stood watch. When the common enemy had been fought off, no doubt the stronger primitive man forgot the assistance he had received from the weaker, and said, "Look what I have done. Now you must submit to my rule or fight me to see who is fittest to survive." No doubt the weaker thought to himself, "Next time I shall let you fight alone."

Many generations of men were destroyed because they failed to understand the fundamental principle of cooperation. Man rose to ascendancy over other animals only after

sad experience taught him that the tests to determine which beasts are fittest to survive do not apply to determine the fitness of men to survive as members of a common society. In society there are tasks for the weak as well as the strong. If the weak do their part they are entitled to the protection of the strong and an equal share of the products of their joint efforts. Might and cunning are the tests to determine fitness between beasts, but between men the test is willingness to co-operate in the work and willingness to share the harvest of society equally with one's fellowmen.

Man's ability to survive the struggle for existence was not due to his individual fitness. The strongest man could never have withstood this test. United with other men he accomplished what he could not have accomplished alone. It was mankind as society, and not man as an individual, that survived.

◆

The evolution of man has been gradual. Organized human society began when man was crude and ignorant, when he was scarcely less beast than man. The conflict between the instincts of the beast and those of the man still continue. The development of man's intellect has helped him grow more manly and less bestial, but even today, man is far from complete; traces of the lower animal remain and manhood is immature.

At first the beast within him urged him to take every advantage of his fellowman. His human tendencies, yet in their infancy, entered only a weak protest against these beastly impulses. The two natures, struggling within him, form the sources of the two conflicting philosophies which come down to us through the centuries. The one, dictated by brute strength and animal cunning, argues the right of might, the right of the greedier to grasp the most; of the stronger to kill the

weaker; of the "superior" to enslave the "inferior." The better nature of man argues for right based on justice, for the right of all to share and share alike; for the right of both weak and strong to live and be free.

From the one nature developed the doctrine of inequality; from the other the philosophy of equality. Throughout the ages these two theories have struggled for acceptance in the minds of men. Inequality was the accepted creed while man was in the crudest stage. Equality has surged forward, hand in hand, with the growth of man's intelligence.

Both these philosophies are reflected in the customs of man and the institutions of society. The champions of inequality argue that the combination of mankind in society does not alter the law of beasts that the strongest individual is still entitled to "all he can get." The advocates of equality say the purpose of society is to equalize the rights of all according to the principle of the brotherhood of man. The one argues the basis of government is the "divine right" of the mighty to rule the weak; the other believes in self-government, and states the true source of government is the consent of the governed. The one upholds the authority of the powerful to dictate laws which the weaker must obey; the other points to the laws of nature as patterns upon which human laws must be fashioned. The one insists upon acceptance of his doctrines by force; the other appeals to reason. The one claims superior rights; the other pleads for equal rights.

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The principle of human equality began with the beginning of man. History does not record when this law of nature was first discovered. Primitive man had little opportunity to consider his relationship to his fellow men. His immediate needs were urgent. Hunger, thirst, heat, cold, storms, drought and

constant fear of other preying animals crowded the capacity of his dull wits. As he progressed, the united force of society protected the individual from his natural enemies and freed his mind for thoughts of the tomorrow. The realization of the certainties of the future should have caused him at once to seek equality with his fellowmen, but he was too ignorant to understand. Instead he learned only by the long, tortuous paths of cruel experience.

The first slave, wincing under the whip of his master, expressed in his cries the voice of this philosophy. His enslavement cut more cruelly than the lash. Calling to his gods to deliver him from this injustice, he finally submitted to superior strength. He worked for the master because of necessity, not as an admission of his own inferiority. It was not his belief in equality that was destroyed, but his faith in his gods and his respect for his fellowmen.

The first recorded attempt to bring about more equal conditions among men is contained in the Code of Khammurabi, King of Babylon. Over twenty-two hundred years before Christ, this social reformer caused laws protecting the weak, poor, widowed and orphaned, from the strong and the rich, to be carved upon huge stones. Though this code recognized slavery and classes, and prescribed rules for submission and subservience to arbitrary authority, it was a vast improvement over government by force. It represents the earliest known attempt at social legislation.

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The first substantial pronouncement of the principle of equality was by the classic Greek philosophers. These men, wise beyond their generation, in their discussions and writings, sowed seeds of thought destined to ripen into the American philosophy. Protagorus (481-411 B.C.) recognized man's

social tendencies and credited the beginning of human society to these natural instincts. He was one of a group of philosophers, known as the Sophists, whose open discussions produced a beginning of the theory of natural rights of man. It was from the Sophists that Socrates (469-399 B.C.) acquired a thirst for knowledge, which led him to the sound conclusion that all vice is the product of our ignorance. From Socrates in turn, came the inspiration of the Stoic philosophy which developed a century later.

In 411 B.C., the great Grecian playwright Euripides (480-406 B.C.) voiced through one of his characters the "self-evident truth" that "Equality is the natural law of man."[4] Thus, over two thousand years before our Declaration of Independence, wise men had pronounced the fundamental principle of Americanism.

Plato (427-347 B.C.) and Aristotle (384-322 B.C.) put many of these earlier philosophies into writing, and preserved them for future generations. Plato distinguished between the laws of man and the laws of nature, and wrote of equality as an ideal but unattainable principle of government.

The greatest contribution by the Grecians to our American principles came from Zeno (342-270 B.C.), whose teachings formed the basis of the Stoic school of philosophy. These thinkers recognized that all men by nature were entitled to equal rights. They considered happiness as the ultimate aim of life; spoke of the common brotherhood of man, and went so far as to visualize its ultimate achievement in a universal state embracing all the peoples of the world with its great humanitarian principles.[5]

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[4] Euripides: From the play "Phoenissae."

[5] See the Antecedents of the Declaration of Independence, by James Sullivan, Annual Reports of American Historical Association. (1902) Vol. I.

With the rise of Roman civilization parts of this philosophy were expressed by some of their political thinkers. Cicero (106-43 B.C.) developed many of the principles of democracy. He considered men as having been drawn together by their instincts to form society; looked to nature as the basis of law; and referred to the natural equal rights of man. His aristocratic background prevented him from following, as a politician, the principles he pronounced as a philosopher. However, the Roman Jurists, who followed in later years, put into practice some of Cicero's theories.

In the less developed parts of the world, the Hebrew prophets had raised their voices against the enslavement of their race and the idolatrous worship of innate "superiors." They preached equality among men as a religious principle, and developed the fundamental doctrine of Jewish tradition, that man should look upon his neighbor as upon himself. This principle was given definite expression in the writings of the Jewish Rabbi Hillel (50 B.C.-10 A.D.), just before the beginning of the Christian era.

◆

The strongest impetus for the philosophy of equality came from the religious teachings of Christ, who preached equality as the basis of the brotherhood of man. This principle was applied to break down the barriers between king and people, master and servant, rich and poor. The Christian teaching was more than a religion, it extended into all human affairs, political, economic and social. The early Christians placed special emphasis upon equality as an economic principle. St. Paul, preaching to the Corinthians, advised them to share their abundance: "For I mean not that other men be eased, and ye burdened: But by an equality, that now at this time your abundance may be a supply for their want, that their

abundance also may be a supply for your want; that there may be equality."[6]

For nearly a century the followers of Christ actually practiced their theory of economic equality by sharing all things in common. Private property was prohibited because of its tendency to produce inequality.[7] Private ownership of land was considered particularly un-Christian. The early church Fathers preached: "How far, O rich do you extend your senseless avarice? Do you intend to be the sole inhabitants of the earth? . . . The earth was made for all, rich and poor, in common. . . . Nature gave all things in common for the use of all; usurpation created private rights. Property hath no rights. The earth is the Lord's and we are his offspring. The pagans hold earth as property. They do blaspheme God."[8]

St. Augustine (354-430 A.D.) applied the doctrines of Christianity to government, and evolved the democratic principle that the authority of government rests on the consent of the governed. He predicted the ultimate end of inequalities among mankind, and anticipated the purpose for which America was to be established nearly fifteen hundred years later.

◆

About five hundred years after Christ, hordes of barbarians left the undeveloped parts of the earth, which they had occupied, and invaded the more developed portions. They crushed with brute force the civilizations built up through centuries of intelligent effort. A blight of decadence, known in history as the dark ages, settled over all Europe, and continued for nearly a thousand years thereafter. During this period there was no extension of pure philosophy. High ideals were dis-

[6] The Bible: New Testament, II Corinthians, Chapter VIII. Par. 13 and 14.
[7] The Bible: New Testament. See Books of Acts, Chapters IV and V.
[8] St. Ambrose (340-397 A.D.), Bishop of Milan.

torted into tools by which scheming leaders gained power and wealth. Both state and church were saturated with greed and corruption. Fanatics and hypocrites twisted the Christian belief of equality into doctrines of inequality to support church organizations, and competed with governments for political supremacy. The dictators of the church pointed to "divine revelation" in support of their actions. The kings and emperors in turn hired their own philosophers to distort truth, and manufacture arguments to prove their "divine right" to exclusive dominion.

The state and the church, carried on their ruthless competition without thought or regard for human rights. At times they conspired and exerted their combined force to crush the revolts of the people. The system of property ownership known as the Feudal system was used by both clergy and nobles to enslave the common people and exploit their labor. Centuries of intrigue, violence and bloodshed, passed before the world was able to untangle the confusion of distorted religious, political and economic doctrines and produce some semblance of reason.

The first clear concept of the philosophy of equality to emerge from this chaos was in the writings of St. Thomas Aquinas (1225-1274). He turned philosophic thought from "divine revelation" to an inquiry into nature through the aid of human reasoning. He identified the laws of nature with the will of God, and spoke of nature as the work of God from which man, with the aid of reason, could discover God's ordinances.

The end of the middle ages came about through a gradual spread of knowledge and the development of the arts and sciences. Reasoning from nature became the basis of phi-

losophy, instead of precedent and quibbling from interpretations of the scriptures. This produced a revival of the natural school to which our American philosophy belongs.

Experiments in chemistry by Roger Bacon (1210-1293), coupled with his imaginative predictions of the possibilities of science, gave new vision to the world. In retrospect his prophesies of steamships, automobiles and airplanes, five hundred years before their accomplishment, were indeed "revelations." The development of the art of printing with movable type hastened human progress through the general dissemination of learning. Discoveries in astronomy and physics gave man a better understanding of the earth on which he lived, and its relation to the universe. Copernicus, Kepler, and Galileo perfected the telescope, analyzed the movements of the heavenly bodies in their orbits, and reversed existing belief by announcing the revolution of the earth about the sun.

Meanwhile revolts of the common people succeeded in obtaining some slight recognition of their rights. In England, the peasants were inspired to rebellion by the philosophies of John Wyclif (1320-1384), who sought to raise the standards of life for the lower classes. In his homely but forceful way, he preached the doctrine of economic and social equality, by asking the unanswerable question: "When Adam delved and Eve span, who was then the gentleman?"[9]

The fifteenth and sixteenth centuries were marked by a revival of the philosophy of equality, as the basis of direct attacks on monarchial government. Most effective were the writings of Richard Hooker (1553-1600). His works, written primarily as treatises on church government, developed the theories of political equality, so that a century later they were used, almost without change, as the basis for the writings of John Locke. Hooker's works were widely read in the American

[9] John Wyclif, English reformer quoted in Antecedents of the Declaration of Independence, by James Sullivan.

colonies prior to our Revolution. He wrote of men as "equals in nature"; of society as instituted for the "common good"; that "the public power of all society is above every soul contained in the same society"; that "laws human must be made according to the general laws of Nature"; that "to live by one man's will became the cause of all man's misery"; and to the theory of equal natural rights, he added the concept of natural duties, saying "to be loved by my equals in nature . . . imposeth upon me a natural duty of bearing to themward fully the like affection."[10] These phrases were all destined to become part of our American philosophy.

Toward the close of the seventeenth century, there were several important developments. Sir Isaac Newton, the great English physicist and astronomer, announced the laws of gravitation and the principles of motion. These definite laws of nature had been discovered by simple observation aided by mathematical calculation. They stimulated the method of reasoning from nature as a basis for other forms of learning.

In 1688 a revolution in England deposed King James II, and placed William and Mary on the throne. This was a victory for limited monarchy over absolute monarchy. To justify this change in government, it was necessary to destroy the doctrine of "divine right." John Locke, following Newton's method of reasoning from nature, announced the theory of government by the consent of the governed and the principle of political equality. His efforts weakened the accepted belief in the "divine right of kings."

Locke's writings provided the American colonists with the precise arguments needed for their revolution, less than a century later. As proof of this are the words of Samuel Adams that: "Mr. Locke has often been quoted in the present dispute between Britain and her colonies, and very much to our purpose. His reasoning is so forcible, that no one has even at-

[10] Richard Hooker: "Ecclesiastical Polity."

tempted to confute it."[11] Substantial portions of the Declaration of Independence were composed of actual phrases found in Locke's "True End of Government."

The influence of Locke carried over to the Continent and was reflected in the writings of Jean Jacques Rousseau and other eighteenth century French philosophers. The necessity for translation limited the reading of Rousseau's essays in America, but his forceful and radical statements influenced the thoughts of many of the colonists.

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While the theory of equality was developing throughout the world, natural forces of progress were bringing about, in reality, more equal conditions among men. Tools for cultivation and production were improved. Learning and knowledge were disseminated more widely. Better roads and means of communication brought the people closer together and tended to erase prejudice. Explorations in new lands and in the realms of science added to the world's resources. All this progress made for equality.

A famous commentator, reviewing history over a period of seven hundred years, wrote: "The Crusades and the wars of the English decimated the nobles and divided their possessions; the erection of communes introduced an element of democratic liberty into the bosom of feudal monarchy; the invention of firearms equalized the serf and the noble on the field of battle; printing opened the same resources to the minds of all classes; the post was organized so as to bring the same information to the door of the poor man's cottage, and to the gate of the palace; and Protestantism proclaimed that all men are alike able to find the road to heaven. The discovery of America offered a thousand new paths to fortune,

[11] Samuel Adams: Article signed Candidus, December 23, 1771.

and placed riches and power within the reach of the adventurous and obscure."[12]

Conditions in the world were gradually improving, but much of the way was paved with bloodshed and destruction, for man learned only by bitter experience. In all these eras, the greatest of man's accomplishments was the discovery of the natural law of human equality. This principle, although it is only intangible thought, marked the beginning of civilization. We need only accept its truth, realize its inevitable force and apply its simple principle to the laws and institutions of society in order to prevent human conflict and add to our happiness.

[12] Alexis de Tocqueville: "Democracy in America." Vol. I.

# CHAPTER III

## A NEW NATION IS CONCEIVED

*"The foundation of our empire was not laid in the gloomy age of ignorance and superstition; but at an epocha when the rights of mankind were better understood and more clearly defined than at any former period."*

GEORGE WASHINGTON.[1]

THE struggle for equality was carried over to a new battlefield, a new continent, America. Divine providence had saved half the earth for man to start anew, freed from the cumulation of his errors and self-erected inequalities. Here a condition of natural equality provided an opportunity for man to apply the knowledge he had gained through civilization, without heeding the precedents which, in the civilized world everywhere, dragged upon the coat-tails of his progress.

The discovery of America is claimed by nearly every nation that ever sailed a ship, but it was the beginning of the sixteenth century before the attention of the civilized world was properly focused upon it. The voyages of Columbus began a march of explorations that prepared the way for the colonists to follow.

The story of the colonization of America is a fitting prologue to the telling of its purpose. Both natures of man invited him to the new world. The quest for gold appealed to

[1] George Washington: quoted in "The Essential American Tradition," by Jesse Lee Bennett.

his lower instincts. Many early attempts at colonization owe their beginning to the incentive of greed. The history of these efforts is typical of the philosophy they represented. Disappointment, disagreements, untold hardships, cruelties and murder finally led to failure.

The better nature of man summoned him to America in search of treasures richer than gold; his quest was for freedom, liberty and equality of rights. At the beginning, the motive was freedom from religious persecution; later, escape from political tyranny; and finally, opportunity for economic equality. The colonies established for these purposes gained firmer footholds. Hardship, sickness and death took their toll, but the persistent devotion to these objectives gained ultimate success and account for a new people, known as Americans.

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The colonists immediately demonstrated that monarchy, though not forgotten, had been left behind, and that America was headed for democracy. The colony at Jamestown, Virginia, the first to take root in this country, adopted a representative form of assembly as early as 1619. Before the Pilgrims reached the shores of New England, they established a government upon "the consent of the governed." The Mayflower Compact in 1620, thus introduced a basic principle of political equality, and designated the proper source and authority of government. In 1638 this fundamental principle of democracy was voiced in the sermons of Thomas Hooker, a minister in Connecticut. The Fundamental Orders of Connecticut, adopted the following year, was the first of a series of written constitutions framed by the people for the people.

Those who sought religious freedom had been compelled to appeal to the laws of nature, as against the laws of England. The man-made edicts required obedience to the dictates of thc

state church, rather than to one's own conscience. In America the process was reversed, natural forces predominated. The mind was freed from conventional adherence to man-written scriptures and encouraged to reason from the work of the Creator. As a result, the writings of these early American religious leaders represented a curious mixture of quotations from the gospel and philosophy from nature. Frequently, the principles used to justify religious freedom applied equally to the political field, and played a prominent part in political thought just prior to the revolution.

The desire of the early colonists for religious freedom was not entirely unselfish. Though they clamored for equality, they were frequently unwilling to accord an equal right to others. The banishment of Roger Williams, from the colony of Massachusetts, was an example of this intolerance. However, the principle of equality, intermingled with the Scriptures, was the basic premise of their argument.

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The eighteenth century found Europe still engaged in violent conflict for power. The common people, crushed between the imperialistic greed of the governing classes of their nations, sought haven in America. Left alone to the task of clearing the wilderness, the colonists had succeeded, without the aid of their parent government, and were producing beyond their immediate needs. America offered opportunity to immigration and a source of profit to the trade of the world.

The British Government, then in control of wealthy property owners, was being used as an instrument to further their exploitations. The growing prosperity of the colonies tempted their greed. By restricting colonial trade to their merchants alone, the wealth of America could be systematically drained

into their coffers. The war with France offered a patriotic excuse for acts of Parliament calculated to gain those ends. When, by the French and Indian Wars, the quarrel was transported to America, it not only excused restrictions on trade, but taxation for supporting troops, and incidentally helped to defray the burden of debt created by England's own wars in Europe.

Historians, stating the causes of our Revolution, have stressed with too much emphasis the disagreement over taxation. It is true that greed for the hard earned wealth of the colonies motivated British aristocracy, but that which angered the American colonists was the affront to their ideals and beliefs. "It was the principle, of which the tax made but a part, and the quantity still less, that formed the ground on which America resisted."[2]

The mutual struggle of the colonists had taught them the real relationship of man to man. The ruggedness of America had inculcated in them a belief in natural equality. Their democratic institution of the town meeting encouraged thought, study, and discussion of the rights of man, and his relation to society and government. "Here the value and quality of liberty, the nature of government, and the dignity of man, were known and understood, and the attachment of the Americans to these principles produced the Revolution, as a natural and almost unavoidable consequence."[3]

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The first serious difference between England and the colonies was a question of liberty, not taxation. John Adams said he considered, "the argument concerning Writs of Assistance in the Superior Court . . . as the commencement of the con-

[2] Thomas Paine: Letter to Abbé Raynal, 1781.
[3] Thomas Paine: Letter to Abbé Raynal, 1781.

troversy between Great Britain and America."[4] He was referring to the argument of James Otis, in 1761, to the effect that the practice of issuing general search warrants constituted an infringement of liberty. Although Otis lost this argument, he continued his fight as a matter of principle. The following year Otis issued a pamphlet in which he named "equality" as the philosophic basis for the controversy which had now begun. Otis wrote, "1. God made all men naturally equal. 2. The ideas of earthly superiority, pre-eminence and grandeur, are educational, at least acquired, not innate. 3. Kings were (and plantation governors should be) made for the good of the people, and not the people for them."[5]

Not many years later, John Adams wrote that all the fundamental thoughts of our American philosophy were to be found in this pamphlet by James Otis; "How many volumes are concentrated in this little fugitive pamphlet, the production of a few hurried hours, . . . Look over the Declaration of Rights and Wrongs, issued by Congress in 1774. Look into the Declaration of Independence in 1776, . . . and to cap the climax, look into Mr. Thomas Paine's Common Sense, Crisis, and Rights of Man; what can you find that is not to be found in solid substance in this vindication of the House of Representatives."[6]

The discussion with England was revived with each new Act of Parliament directed against the colonies. Most of this legislation was taxation, as in the case of the Stamp Act, 1765. But the opposition was not a matter of dollars and cents. In the case of the tax on tea, the combined cost of tea and tax was less than the Englishman at home paid for his favorite beverage. The oratory of Patrick Henry was raised not against

[4] John Adams: Letter to his wife, July 3, 1776.
[5] James Otis: "Vindication of the Conduct of the House of Representatives of the Province of the Massachusetts Bay," 1762.
[6] John Adams: Quoted in "Life of James Otis," by William Tudor.

taxation, but against "taxation without representation." That which he resented was the infringement of human liberty.

Both John and Samuel Adams viewed the actions of England as "a direct and formal design on foot to enslave all America . . . by the introduction of the canon and feudal law into America."[8] Samuel Adams charged the royal governor of Massachusetts with an attempt to revive the feudal system which he declared was "contradictory to all principles that govern mankind."

As the controversy progressed, the thoughts of the colonists approached more closely to a correct understanding of the real issue. There was no longer any question of taxation, nor even of the feudal system, but a question of equality of human rights. As early as 1770, James Wilson, a brilliant lawyer with a sound knowledge of the underlying principles of government, wrote a pamphlet, which he withheld from publication until 1774. In this he embodied most of the philosophic principles which Jefferson later set forth in the Declaration of Independence. The phrasing of one paragraph closely resembles the phrasing of the most important paragraph of the Declaration. Wilson wrote, "All men are, by nature, equal and free; no one has a right to any authority over another without his consent: all lawful government is founded on the consent of those who are subject to it: such consent was given with a view to ensure and to increase the happiness of the governed, above what they could enjoy in an independent and unconnected state of nature. The consequence is, that the happiness of the society is the first law of every government."[9]

In 1774, the Continental Congress first assembled to debate

[7] John Adams: "Dissertation on the Feudal or Canon Law," 1765.
[8] Samuel Adams: Letter from the House of Representatives of Massachusetts to the Governor, March 2, 1773.
[9] James Wilson: "On the Legislative Authority of the British Parliament," 1774.

the situation. Richard H. Lee, who two years later was to move for Independence, said, "I can't see why we should not lay our rights upon the broadest bottom, the ground of nature. Our ancestors found here no government. . . . Life and liberty, which is necessary for the security of life, cannot be given up when we enter into society."[10] The Declaration of Grievances and Rights, adopted by Congress, followed this suggestion and began, in the same philosophic manner, "That the inhabitants of the English Colonies in North America, by the immutable laws of nature . . . have the following rights: That they are entitled to life, liberty and property and they have never ceded to any sovereign power whatever a right to dispose of either without their consent."[11]

By 1775, the disagreement had passed beyond the stage of debate. The King of England, like all believers in the doctrine of inequality, resorted to force. Though compelled to take up arms in self defense, the American colonists continued their appeal to reason, with the declaration "that Government was instituted to promote the Welfare of Mankind, and ought to be administered for the Attainment of that End."[12]

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Throughout the colonial revolt the objective was reconciliation with representation, not separation. Only the most radical entertained the thought of independence, and few ever dared to voice it. The relationship between the American colonies and Great Britain had been strained from the termination of the French and Indian Wars, but none predicted the ultimate separation. Christopher Godsen is said to have made the sug-

[10] Richard Henry Lee: Quoted in John Adams' "Diary of the Debates in Congress," September 8, 1774.
[11] Journals of the Continental Congress, Vol. I.
[12] Journals of the Continental Congress, Vol. II.

gestion as early as 1764. James Otis hinted at the possibility, in his writings about the same time. Both Samuel and John Adams were suspected of being sympathetic to the idea. Samuel Adams made one of the first threats of independence in an essay, "The Sons of Liberty," published in 1769. Patrick Henry mentioned independence in a public address in 1773, but Benjamin Franklin, in 1774 said, "I have never heard in any conversation of any person drunk or sober the least expression of a wish for separation from England."[13] George Washington, about to take command of the colonial military forces said, relative to independence, "I am well satisfied that no such thing is desired by any thinking man in all North America."[14]

When delegates from the colonies met in Philadelphia, at the Continental Congress, there was no discussion of independence, but quite the reverse; allegiance was pledged to the King of England. Years later John Adams wrote; "In the Congress of 1774, there was not one member, except Patrick Henry, who appeared to me sensible of the precipice, or rather the pinnacle on which we stood, and had candor and courage enough to acknowledge it."[15]

By 1775 the colonies were in a state of open rebellion, but not revolution. The massacre at Lexington, like all demonstrations of force, reacted against the British and gained sympathy for the cause of independence. In May, a group of citizens of Mecklenburg County, North Carolina, passed resolutions, which were said to have been followed by a Declaration of Independence. But John Adams and Jefferson, who were living when this claim was made, in 1819, denied ever having

[13] Benjamin Franklin: Quoted in "History of American Political Thought," by Raymond G. Gettell.
[14] George Washington: Quoted in "History of American Political Thought," by Raymond G. Gettell.
[15] John Adams: Letter to Jefferson, November 12, 1813.

heard of any Mecklenburg Declaration of Independence, and expressed doubt as to its legitimacy.[16]

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By the summer of 1775, the colonies were engaged in open hostilities with the British troops. "The Declaration on Taking Arms," adopted by Congress, July 6, 1775, also contained a declaration of allegiance to the King. The wise old philosopher, Benjamin Franklin, was by that time speaking of his English friends as "enemies,"[17] and recognized reconciliation was "hopeless."[18] By December he was endeavoring to sound out the courts of Continental Europe to ascertain if assistance could be obtained for America in its struggle for Independence.[19]

Jefferson was still loyal, but was chafing under the insults of England. He wrote to a friend; "I am one of those, who, rather than submit to the rights of legislation for us, assumed by the British Parliament, and which late experience has shown they will so cruelly exercise, would lend my hand to sink the whole island in the ocean."[20]

The cause of independence was still unpopular as late as the fall of 1775, when the assemblies of the various colonies convened. Most of them had instructed their representatives in Congress to reject any proposition of independence. The spark destined to touch off the revolution was yet to gleam.

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In April of 1774, a certain collector of revenue in the British

[16] Letter of John Adams to Thomas Jefferson, June 22, 1819; Jefferson's Reply of July 9, 1819; and letter of John Adams to William Bentley, August 21, 1819.
[17] Benjamin Franklin: Letter to Mr. Strahan, a member of Parliament, July 5, 1775.
[18] Benjamin Franklin: Letter to Dr. Priestly, July 7, 1775.
[19] Benjamin Franklin: Letter to Monsieur Dumas, December 9, 1775.
[20] Thomas Jefferson: Letter to John Randolph, August 25, 1775.

Excise Department was discharged from his job. This every day occurrence dislodged a force destined to span the Atlantic and weld the scattered feeling of discontent into a spirit of righteous revolution. The man discharged was Thomas Paine. A noted political writer later commented upon this trivial incident as follows: "A little thing sometimes produces a great effect; . . . insults, offered to Mr. Paine while he was in the Excise in England, was the real cause of the Revolution in America; for, though the nature of the cause of America was such as I have before described it; though the principles were firm in the minds of the people of that country; still, it was Mr. Paine, and Paine alone who brought those principles into action."[21]

Paine arrived in America, November 30, 1774. He carried an introduction from Benjamin Franklin which described him as "an ingenious worthy young man." John Adams tells of Paine's arrival as follows: "In the course of this winter appeared a phenomenon in Philadelphia, a disastrous meteor, I mean Thomas Paine."[22] From that moment, events in the colonies moved more rapidly. "I thought it very hard," wrote Paine to Franklin sometime later, "to have the country set on fire about my ears almost the moment I got into it." But this was hardly a coincidence, for Thomas Paine, himself, was the torch that set off the conflagration. Up to that time Paine had written little and published nothing. He later admitted, "It was the cause of America which made me an author."[23]

In October 1775, Paine wrote an article in which he recounted the wrongs and horrors of slavery, and added: "When I reflect on these, I hesitate not for a moment to believe that the Almighty will finally separate America from Britain. Call it independence or what you will, if it is the cause of God and

[21] William Cobbet, one of Paine's critics, who became a most ardent admirer.
[22] John Adams: "Autobiography."
[23] Thomas Paine: "The American Crisis."

Humanity it will go on."[24] Jefferson's conversion to independence was completed about this time. He then wrote: "We want neither inducement nor power, to declare and assert a separation. It is will alone which is wanting, and that is growing apace under the fostering hand of our King."[25]

Paine was about to supply this will, for he was busy preparing his famous pamphlet, "Common Sense." John Adams said, "Dr. Rush put him upon writing on the subject . . . and gave him his title of Common Sense."[26] Another writer said, "There is good reason to believe that Dr. Franklin had no inconsiderable share at least in furnishing material for this work."[27] Finally it was finished, but according to Benjamin Rush, it was difficult to secure "a printer who had boldness enough to publish it."

"Common Sense" made its appearance in Philadelphia, on January 10, 1776. Immediately the country was swept by its sentiments. Demands poured in from all parts of the colonies for copies. In a short time more than five hundred thousand pamphlets had been sold. No publication, up to that time, had ever reached this proportion. It was read by nearly every literate person throughout the sparsely settled colonies.

Paine addressed his "acute human reasoning"[28] to the intelligence of "the inhabitants of America." He delved into the origin of government, and named the security and happiness of the governed as the end for which it was designed. His premise was that men were "originally equal in the order of creation," hence he questioned the validity of monarchy and hereditary succession. "The present state of American affairs," Paine said, was "not the concern of a day, a year or an age;

[24] Thomas Paine: "A Serious Thought," published October 18, 1775.
[25] Thomas Jefferson: Letter to John Randolph, November 29, 1775.
[26] John Adams: "Autobiography."
[27] Dr. Stuber: Continuation of Dr. Franklin's "Autobiography."
[28] Thomas A. Edison uses this phrase in his introduction to "Life and Works of Thomas Paine," by William M. Van Der Weyde.

posterity are virtually involved in the contest, and will be more or less affected even to the end of time." Stating it was "time to part," Paine called for a Declaration of Independence. He followed this with a detailed suggestion of a form of representative government, and pointed to the ability of America to sustain its position against the world. He ended with an appeal for the rights of mankind, and free and independent states of America.

The style as well as the subject matter of this little pamphlet won immediate recognition. Jefferson appraised Paine's skill in these words, "No writer has exceeded Paine in ease and familiarity of style, in perspicuity of expression, happiness of elucidation, and in simple and unassuming language. In this he may be compared with Dr. Franklin; and indeed his 'Common Sense' was, for a while, believed to have been written by Dr. Franklin, and published under the borrowed name of Paine, who had come over with him from England."[29]

It was "Common Sense" that swung the tide of public sentiment to independence. George Washington can be named among its converts to this cause. There is no known statement or writing of Washington, either public or confidential, in favor of Independence prior to a letter written by him a few weeks after this publication, when he wrote: "A few more of such flaming arguments as were exhibited at Falmouth and Norfolk, added to the sound doctrine and unanswerable reasoning contained in the pamphlet 'Common Sense,' will not leave numbers at a loss to decide upon the propriety of a separation."[30]

This work alone earned for Paine a most prominent place in America's history, which he never received. John Adams wrote, "History is to ascribe to Paine the Revolution."[31]

[29] Thomas Jefferson: Letter to Frances Eppes, January 19, 1821.
[30] George Washington: Letter to Joseph Reed, January 31, 1776.
[31] John Adams: Letter to Thomas Jefferson.

Samuel Adams, in a letter to Paine, later wrote, "I have frequently with pleasure reflected on your services to my native and your adopted country. Your 'Common Sense,' and your 'Crisis,' unquestionably awakened the public mind, and led the people loudly to call for a declaration of our national independence. I therefore esteemed you as a warm friend to the liberty and lasting welfare of the human race."[32] Madison spoke of Paine as "the man, whose writings have so much contributed to enforce and foster the spirit of independence in the people of America."[33] Lafayette said, "To me America without Thomas Paine is unthinkable." A contemporary historian said, "that the great American cause owed as much to the pen of Paine as to the sword of Washington."[34]

"Common Sense" had drawn the lines clearly. It was no longer a petty quarrel over taxes, nor even a dispute over the division of economic spoils. The writing of Paine "raised the struggle above the paltriness of a rebellion against taxation to a great human movement—a war for an ideal."[35] The question became one of vital principle, between the false doctrine of "Divine Right" of a few and the true philosophy of the equal rights of all. "The cause of America," as Paine correctly stated, was "the cause of all mankind."[36]

[32] Samuel Adams: Letter to Thomas Paine, November 30, 1802.
[33] James Madison: Letter to George Washington, July 2, 1784.
[34] Joel Barlow: Quoted in "Life of Thomas Paine," by Moncure Daniel Conway.
[35] Moncure Daniel Conway: "Life of Thomas Paine."
[36] Thomas Paine: "Common Sense."

## CHAPTER IV

# AMERICA DECLARES ITS PURPOSE

*"America need never be ashamed to tell her birth, nor relate the stages by which she rose to Empire."*

THOMAS PAINE.[1]

GREAT movements of democracy grow slowly at the start. Like smoldering fire they remain hidden a long time; merely glowing, but spreading all the while. Finally some tiny spark, more daring than the rest, breaks through its confines and bursts into flame. It springs into the air, and with vast strides leaps from place to place, rapidly accelerating its pace. Once democracy makes its way to the free air of open discussion, all is consumed in a brief moment by the general conflagration of its sound human sentiments.

The first great conquest of democracy came to a climax in our revolution. But its principles had smoldered for centuries within the brains of the wisest men. The spark, more brave than the rest, which set it off was Thomas Paine. The burst of flame was his brilliant "Common Sense." The consuming fire of human sentiment was the American Declaration of Independence.

Future movements of democracy will demonstrate these same traits. Both friends and foes of democracy can learn from a study of these characteristics. Its friends will learn not to be disheartened at the slow but steady beginning. Its enemies, who stand above the rest on a mountain of inequali-

[1] Thomas Paine: "The American Crisis."

ties, will know from the first rumblings that their perch is a volcano and be ready to run for their lives.

From the issuance of Paine's pamphlet, the colonies were seething with revolution. If the private conversations of that period could be broadcast for the ears of the present generation, we would learn much to our advantage. We would hear the true meaning of American principles and know America's purpose.

No doubt at that time, Jefferson was reading deeply into the philosophy of the rights of man. James Wilson, with his trained legal mind, was considering the fundamentals of government. It is probable that Dr. Franklin introduced his friend Thomas Paine to Thomas Jefferson and said, "You two should get together, for you are of the same mind." We know that John Adams did not fully agree with Paine's "Common Sense," and replied with his "Thoughts on Government"; that he sought a conversation with Paine, and that their only point of agreement was the necessity for independence.

Up to the beginning of the year 1776, there had been no official action in Congress looking forward to independence. The first indication of this move appeared in a report of a committee to prepare an "Address to the Inhabitants of the Colonies," reported in Congress on February the 13th. The draft was in the handwriting of James Wilson, and displayed the characteristic depth of his knowledge of government. It said, "That all Power was originally in the People—that all the Powers of Government are derived from them—that all Power, which they have not disposed of still continues theirs—are Maxims of the English Constitutions, which, we presume, will not be disputed."[2]

[2] Journals of the Continental Congress, Vol. IV.

Though it disavowed an intent to establish an independent empire, it made the question of independence "an alternative" with the King, and ended with the ominous statement "that the colonies may continue connected, as they have been, with Britain, is our second wish: our first is—THAT AMERICA MAY BE FREE."[3] This first official suggestion of Independence was, however, "ordered—to lie on the table."

The colonists by this time had advanced beyond their representatives in Congress. A number of the Colonial assemblies repealed their previous instructions to their delegates, and substituted positive instructions to agree with the majority, if the question of independence were raised. By April, the people of Massachusetts were "impatiently waiting for Congress to declare off from Great Britain," and threatened if Congress did not do so, they would "do it for themselves."[4]

On May 4, 1776, the Assembly of Rhode Island repealed the act by which they had previously declared their allegiance to the King of England. This is claimed by some to be the first actual Declaration of Independence.[5]

On May 10th, Congress took a bold step and recommended the colonies form independent governments which would, "best conduce to the happiness and safety of their constituents in particular, and America in general."[6] Five days later a preamble to this resolution, drawn by John Adams, was adopted. In effect it denied any further allegiance to the King and returned the power of government to the people. It was, however, short of a Declaration of Independence.

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Jefferson returned to Philadelphia on May 14th, and took

[3] Journals of the Continental Congress, Vol. IV.
[4] John Winthrop: Letter to John Adams, April, 1776.
[5] Gov. Charles Warren Lippett: Address to the Rhode Island Historical Society.
[6] Journals of the Continental Congress, Vol. IV.

lodging in the house of a Mr. Graff on the south side of Market Street, "probably between 7th and 8th Streets,"[7] where he later wrote the Declaration of Independence. Previous to his return to Congress, Jefferson had been taking an active part in the affairs of his own colony of Virginia. Its assembly was at that time engaged in forming a plan of government. Knowing this, Jefferson had prepared a "sketch or outline of a Constitution, with a preamble," which he sent to the President of the Convention, "on the mere possibility that it might suggest something worth incorporation into that before the Convention."[8] Contained in this suggestion of Jefferson's was much of the substance which he later embodied in the Declaration of Independence.

On May 15, the Virginia Assembly passed a resolution directing the Virginia delegates in Congress to propose independence for the colonies. In obedience to these instructions, Richard Henry Lee moved in the Continental Congress on June 7, 1776, as follows: "Resolved, that these United Colonies are, and of right ought to be, free and independent states, that they are absolved from all allegiance to the British Crown, and that all political connection between them and the State of Great Britain is, and ought to be, totally dissolved."[9] The motion was seconded by John Adams.

The story of the happenings in Congress is best told by Jefferson, who made notes of the proceedings, and many years later wrote them at length. He said, "The House, being obliged to attend at that time to some other business, the proposition was referred to the next day, when the members were ordered to attend punctually at ten o'clock, Saturday, June 8th. They proceeded to take it into consideration, and referred it to a committee of the whole, into which they imme-

[7] Thomas Jefferson: Letter to Dr. James Mease, September 26, 1825.
[8] Thomas Jefferson: Letter to Judge Augustus B. Woodward, April 3, 1825.
[9] Journals of the Continental Congress, Vol. IV.

diately resolved themselves, and passed that day in debating on the subject."[10]

The question was carried over to Monday, June 10th, and Jefferson's account continues: "It appearing in the course of these debates, that the colonies of New York, New Jersey, Pennsylvania, Delaware, Maryland and South Carolina, were not yet matured for falling from the parent stem, but that they were fast advancing to that state, it was thought most prudent to wait a while for them, and to postpone the final decision to July 1st. But that this might occasion as little delay as possible, a Committee was appointed to prepare a Declaration of Independence."[11] The Committee, which was appointed the next day, June 11th, consisted of Thomas Jefferson, John Adams, Benjamin Franklin, Roger Sherman and Robert R. Livingston.

At the time, Jefferson was only thirty-three years of age. The reason "why so young a man as Mr. Jefferson was placed at the head of the Committee for preparing a Declaration of Independence," is said, by John Adams, to have been, as follows: "Mr. Jefferson came into Congress, in June 1775, and brought with him a reputation for literature, science, and a happy talent of composition. Writings of his were handed about, remarkable for the peculiar felicity of expression. Though a silent member in Congress, he was so prompt, frank, explicit and decisive upon committees and in conversation, not even Samuel Adams was more so, that he soon seized upon my heart; and upon this occasion I gave him my vote, and did all in my power to procure the votes of others. I think he had one more vote than any other, and that placed him at the head of the committee."[12]

Somewhat different accounts of the proceedings of this com-

[10] Thomas Jefferson: Letter to Samuel A. Wells, May 12, 1819.
[11] Thomas Jefferson: Letter to Samuel A. Wells, May 12, 1819.
[12] John Adams: Letter to Timothy Pickering, August 6, 1822.

mittee were given by Adams and Jefferson, forty-six years later, when both were far advanced in age, and the memories of either might have been at fault. Adams wrote: "The committee met, discussed the subject, and then appointed Mr. Jefferson and me to make the draught, I suppose because we were the two first on the list. The sub-committee met. Jefferson proposed to me to make the draught. I said, 'I will not.' 'You should do it.' 'Oh! no.' 'Why will you not?' 'You ought to do it.' 'I will not.' 'Why?' 'Reasons enough.' 'What can be your reasons?' 'Reason first—You are a Virginian, and a Virginian ought to appear at the head of this business. Reason second—I am obnoxious, suspected, and unpopular. You are very much otherwise. Reason third—You can write ten times better than I can.' 'Well,' said Jefferson, 'if you are decided, I will do as well as I can.' 'Very well. When you have drawn it up, we will have a meeting.' "[13]

Jefferson commented on the Adams' version as follows: "Now these details are quite incorrect. The committee of five met; no such thing as a sub-committee was proposed, but they unanimously pressed on myself alone to undertake the draught. I consented."[14] It is certain the duty was finally entrusted to Jefferson, and he proved worthy of the task.

After Jefferson had completed the writing of his draft of the Declaration, he submitted it for the criticism of the others serving with him on the committee. This Jefferson relates as follows: "I drew it; but before I reported it to the committee, I communicated it separately to Dr. Franklin and Mr. Adams, requesting their corrections, because they were the two members of whose judgments and amendments I wished most to have the benefit, before presenting it to the committee; and you have seen the original paper now in my hands, with the

[13] John Adams: Letter to Timothy Pickering, August 6, 1822.
[14] Thomas Jefferson: Letter to James Madison, August 30, 1823.

corrections of Dr. Franklin and Mr. Adams interlined in their own handwritings. Their alterations were two or three only, and merely verbal. I then wrote a fair copy, reported it to the committee, and from them, unaltered, to Congress."[15]

John Adams, in later years, did not recall having made any alterations, and gave a different version of its presentation to the committee. The changes suggested by Franklin and Adams were slight. They merely substituted a few words, and made no amendment in the meaning or intent. As John Adams said, "We were all in haste. Congress was impatient, and the instrument was reported, as I believe in Jefferson's handwriting, as he first drew it."[16] Jefferson's original draft, with the corrections of Adams and Franklin, and also those made later by Congress, is now in the library of the Department of State at Washington.[17] Other copies made by Jefferson for friends are also in existence.[18]

Jefferson's own story of the Declaration tells what happened to his document when it was presented to Congress. "This was reported to the House on Friday, the 28th of June, when it was read and ordered to lie on the table."[19] Nothing was done relative to it on Saturday, and on Monday, the question of the Declaration was temporarily set aside to allow Congress to take up the motion for Independence made June 7th and postponed until that day.

The notes of Jefferson continue: "On Monday, the 1st of July, the House resolved itself into a Committee of the whole,

[15] Thomas Jefferson: Letter to James Madison, August 30, 1823.
[16] John Adams: Letter to Timothy Pickering, August 6, 1822.
[17] See: Letter of Thomas Jefferson to John Vaughan, September 16, 1825.
[18] See: Hazelton, "The Declaration of Independence, Its History."
[19] Thomas Jefferson: Letter to Samuel A. Wells, May 12, 1819.

and resumed the consideration of the original motion made by the delegates of Virginia, which, being again debated through the day, was carried in the affirmative by the votes of New Hampshire, Connecticut, Massachusetts, Rhode Island, New Jersey, Maryland, Virginia, North Carolina and Georgia. South Carolina and Pennsylvania voted against it."[20]

This negative vote of the delegates from Pennsylvania was against the wishes of their constituents. On June 25th a Declaration had been read in Congress from "Deputies of Pennsylvania," "expressing their willingness to concur in a vote of Congress declaring the United Colonies Free and Independent States."[21]

Jefferson's account then states: "Delaware had but two members present, and they were divided. The delegates from New York declared they were for it themselves, and were assured their constituents were for it; but that their instructions having been drawn near a twelvemonth before, they were enjoined by them, to do nothing which should impede that object. They, therefore, thought themselves not justifiable in voting on either side, and asked leave to withdraw from the question, which was given them. The Committee rose, and reported their resolutions to the House. Mr. Rutledge, of South Carolina, then requested the determination might be put off to the next day, as he believed his colleagues, though they disapproved of the resolution, would then join in it for the sake of unanimity."[22]

According to Adams "that debate took up most the day, but it was an idle mispence of time."[23] Jefferson was of the same opinion, for he wrote: "It was now evening, the members exhausted by a debate of nine hours, during which all the

[20] Thomas Jefferson: Letter to Samuel A. Wells, May 12, 1819.
[21] Journals of the Continental Congress, Vol. V.
[22] Thomas Jefferson: Letter to Samuel A. Wells, May 12, 1819.
[23] John Adams: Letter to Samuel Chase, July 1, 1776.

powers of the soul had been distended with the magnitude of the object—without refreshment, without a pause."[24]

No doubt Jefferson had hoped Congress would act upon his Declaration that day. The country was becoming impatient and even suspicious of the delay. On the morning of July 1st, Jefferson had written to a friend; "If any doubt has arisen as to me, my country will have my political creed in the form of a 'Declaration,' etc., which I was lately directed to draw. This will give decisive proof that my own sentiment concurred with the vote they instructed me to give, had the post been to go a day later we might have been at liberty to communicate this whole matter."[25]

The letter was not posted but was held with the hope he could add the long awaited news. However, Jefferson was forced to seal his letter, and send it the following morning, with this postscript: "July 2. I have kept open my letter till this morning but nothing more new. Adieu."

The morning of July second brought the decisive action. South Carolina, at whose request the vote had been postponed, "joined the other nine States in voting for it. The members of the Pennsylvania delegation too, who had been absent the day before, came in and turned the vote of their State in favor of independence; and a third member of the State of Delaware, who, hearing of the division in the sentiments of his two colleagues, had travelled post to arrive in time, now came in and decided the vote of that State also for the resolution." "Thus twelve States voted for it at the time of its passage, and the delegates of New York, the thirteenth State, received instructions within a few days to add theirs to the general vote."[26] The resolution for independence, adopted on July

[24] Thomas Jefferson: Letter to the Editor of the Journal de Paris, August 29, 1787.

[25] Thomas Jefferson: Letter to William Fleming, July 1, 1776.

[26] Thomas Jefferson: Letter to the Editor of the Journal de Paris, August 20, 1787.

2nd, was in the same form as the original motion of Richard H. Lee.

Because the separation from England was formally effected by this action of Congress, John Adams wrote to his wife: "The second day of July 1776, will be celebrated by succeeding generations as the greatest anniversary festival. . . . You will see, in a few days, a declaration setting forth the causes which have impelled us to this mighty revolution, and the reasons which will justify it in the sight of God and man."[27] However, the reasons for independence, and not the mere separation, proved to be the cause of America's annual celebration, on July fourth.

With the question of independence settled, "Congress proceeded, the same day, to consider the Declaration of Independence, which had been reported and laid on the table the Friday preceding, and on Monday, referred to a Committee of the whole. The pusillanimous idea, that we had friends in England worth keeping terms with, still haunted the minds of many. For this reason, those passages which conveyed censures on the people of England were struck out lest they should give them offence."[28] Jefferson gives an accurate account of these discussions: "When the Declaration of Independence was under the consideration of Congress, there were two or three unlucky expressions in it which gave offence to some members. The words 'Scotch and other foreign auxiliaries' excited the ire of a gentleman or two of that country. Severe strictures on the conduct of the British king, in negotiating our repeated repeals of the law which permitted the importation of slaves, were disapproved by some Southern gentlemen,

[27] John Adams: Letter to his wife, July 3, 1776.
[28] Thomas Jefferson: Letter to Samuel A. Wells, May 12, 1819.

whose reflections were not yet matured to the full abhorrence of that traffic. Although the offensive expressions were immediately yielded these gentlemen continued their depredations on other parts of the instrument."[29]

The clause against slavery was stricken out because of the opposition of South Carolina and Georgia, and the phraseology of Lee's resolutions for independence was substituted in place of Jefferson's original ending.

All the while John Adams "supported the Declaration with zeal and ability, fighting fearlessly, for every word of it."[30] But Jefferson, as author, was compelled by modesty to remain silent, while the result of his supreme effort was being ruthlessly criticised. "As to myself, I thought it a duty to be, on that occasion, a passive auditor of the opinions of others, more impartial judges than I could be, of its merits or demerits. During the debate I was sitting by Doctor Franklin, and he observed that I was writhing a little under the acrimonious criticisms on some of its parts; and it was on that occasion, that by way of comfort, he told me the story of John Thompson, the hatter, and his new sign."[31]

The wise old philosopher, Benjamin Franklin, then seventy, said to the youthful Jefferson, "I have made it a rule whenever in my power, to avoid becoming the draughtsman of papers to be reviewed by a public body. I took my lesson from an incident which I will relate to you." He then told of a hatter, who composed a sign for his shop, and submitted it to his friends. Each in turn suggested that certain words be eliminated until "the inscription was reduced ultimately to 'John Thompson,' with the figure of a hat adjoined."[32]

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[29] Thomas Jefferson: Autobiography.
[30] Thomas Jefferson: Letter to James Madison, August 30, 1823.
[31] Thomas Jefferson: Letter to James Madison, August 30, 1823.
[32] Thomas Jefferson: Autobiography.

The various paragraphs of the Declaration were debated for three days; the second, third and fourth of July. The members of Congress knew that by their act they were pledging "Their lives, their fortunes and their sacred honor." Franklin is quoted as having said, "We must all hang together or we will hang separately." As Samuel Adams said, "It must be allowed by the impartial world that this Declaration has not been made rashly."[33]

It was not until the evening of the Fourth that Congress "by a unanimous vote" approved the Declaration, and "Ordered, that the declaration be authenticated and printed . . . That copies . . . be sent to the several assemblies . . . to the several commanding officers of the Continental troops; that it be proclaimed in each of the United States, and at the head of the army."[34]

The Declaration was first published Saturday, July 6th, in Towne's "Pennsylvania Evening Post." The following Monday, July 8th, it was read by Captain John Nixon in the yard surrounding the State House in Philadelphia, where it had been adopted. The delegates from New York in the meanwhile received a release from their former instructions and added their vote to make independence the unanimous act of all thirteen colonies. The same day the Declaration was read to the troops under Washington, encouraging them with new spirit.

It was not until July 19th that Congress ordered the Declaration engrossed. This work was completed on August 2nd, at which time the signing began. There had been no signing on the fourth of July, except the usual endorsement by the President and Secretary of Congress to formally indicate its enactment. The signing extended well into the fall. Meanwhile, many who were members of Congress when the Declaration

[33] Samuel Adams: Letter to John Pitts, July 17, 1776.
[34] Journals of the Continental Congress, Vol. V.

was adopted were replaced by others who signed. Some of the most noble patriots, by reason of their radical support of independence, lost favor with their more conservative constituents and were not returned to Congress, hence did not sign the engrossed copy. Several absented themselves from Congress to avoid signing, and one did not sign until a year or so later. Robert R. Livingston, a member of the original committee to draft the Declaration was not among "the signers." Although in Congress when it was passed, he was back in New York busily attending to affairs of the New York Convention, which was preparing a new form of government.

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After smoldering in the mind of men for centuries, the flame of democracy had broken its confines and in a brief moment consumed a nation. "When I look back to the year 1761," wrote John Adams, ". . . and run through the whole period, from that time to this, and recollect the series of political events, the chain of causes and effects, I am surprised at the suddenness as well as the greatness of this revolution."[35]

"Equality," a basic principle of the laws of nature, had been written into the laws of man by the Declaration that "all men are created equal." A philosophy as old as mankind, that had been rising through the centuries, in the wisdom of the Greek philosophers, the teachings of the Hebrew prophets, the preachings of Christ, the inspiration of every social reformer, had taken upon itself a new name, "Americanism." Its principles were contained in "This Declaratory Charter of our rights, and of the rights of man."[36] The complete accomplishment of its ideals became America's purpose.

[35] John Adams: Letter to his wife, July 3, 1776.
[36] Thomas Jefferson: Letter to Samuel A. Wells, May 12, 1819.

## CHAPTER V

# CONCLUSION

*"The sentiments were of all America."*
THOMAS JEFFERSON.[1]

THOUGH the concise diction and the precise phrasing of the Declaration of Independence were the art of Thomas Jefferson, the authors of the Declaration include all those revolutionary fathers who shared its sentiments, beliefs and ideals. It was the voice of a new nation harmoniously expressing its fundamental philosophy. It is to the credit of Jefferson that he expressed not merely his own convictions, but the sentiments of all America.

"This was the object of the Declaration of Independence. Not to find out new principles, or new arguments, never before thought of, not merely to say things which had never been said before; but to place before mankind the common sense of the subject, in terms so plain and firm as to command their assent, and to justify ourselves in the independent stand we are compelled to take. Neither aiming at originality of principle or sentiment, nor yet copied from any particular and previous writing, it was intended to be an expression of the American mind, and to give to that expression the proper tone and spirit called for by the occasion. All its authority rests then on the harmonizing sentiments of the day, whether expressed in conversation, in letters, printed essays, or in the

[1] Thomas Jefferson: Letter to Joseph Delaplaine, April 12, 1817.

elementary books of public right, as Aristotle, Cicero, Locke, Sidney, etc."[2]

There is ample evidence that the Declaration was not only Jeffersonianism, but true Americanism. The very fact that its sentiments were so widely shared, gave rise, in later years, to numerous controversies over its authorship. John Adams, in a friendly way, was jealous of the prominence Jefferson had gained as author of the Declaration, and repeatedly pointed to its lack of originality. Forty-five years after it had been written, Adams wrote; "The principles and sentiments and expressions of the Declaration of Independence had been so often pronounced and echoed and reechoed in that Congress for two years before, and especially for the last six months, that it will forever be impossible to ascertain who uttered them, and upon what occasion."[3]

Another time Adams credited James Otis, with stating its principles in a pamphlet published in 1762. "There is not an idea in it but what had been hackneyed in Congress for two years before. The substance of it is contained in the declaration of rights and the violation of those rights, in the Journals of Congress in 1774. Indeed, the essence of it is contained in a pamphlet, voted and printed by the town of Boston, before the first Congress met, composed by James Otis, as I suppose, in one of his lucid intervals, and pruned and polished by Samuel Adams."[4]

Jefferson did not deny these charges. He had never claimed originality. Instead, he had prided himself that the Declaration was a faithful expression of general belief. He wrote

[2] Thomas Jefferson: Letter to Henry Lee, May 8, 1825.
[3] John Adams: Letter to Henry Lee, February 24, 1821.
[4] John Adams: Letter to Timothy Pickering, August 6, 1822.

Madison, who had brought Adams' letter to his attention, "'that it contained no new ideas, that it is a commonplace compilation, its sentiments hackneyed in Congress for two years before, and its essence contained in Otis' pamphlet,' may all be true. Of that I am not to be the judge. Richard Henry Lee charged it as copied from Locke's treatise on government. Otis' pamphlet I never saw, and whether I had gathered my ideas from reading or reflection I do not know. I know only that I turned to neither book nor pamphlet while writing it. I did not consider it as any part of my charge to invent new ideas altogether, and to offer no sentiment which had ever been expressed before."[5]

Madison's reply expressed complete agreement with Jefferson's view that the Declaration should have contained not original ideas, but general sentiments; "Nothing can be more absurd than the cavil that the Declaration contains known and not new truths. The object was to assert not to discover truths, and to make them the basis of the Revolutionary Act. The merit of the Draught could only consist in a lucid communication of human Rights, a condensed enumeration of the reasons for such an exercise of them, and in a style and tone appropriate to the great occasion, and to the spirit of the American people."[6]

◆

The authorship of the Declaration has never seriously been questioned. No one, except Jefferson, even claimed authorship for himself, but there have been numerous attempts by admirers to credit it to others. In 1822, an attempt by friends of Richard Henry Lee to proclaim him as the author, caused Madison to write: "The fact that Mr. Jefferson was the

[5] Thomas Jefferson: Letter to James Madison, August 30, 1823.
[6] James Madison: Letter to Thomas Jefferson, September 6, 1823.

author and the nature of the alterations made in the Original, are too well known and the proofs are too well preserved, to admit of successful misrepresentation."[7]

The similarity in both sentiment and phraseology of the Virginia Bill of Rights and the Declaration led friends of George Mason to claim for him authorship of both. Mason himself never made such a claim. Madison tells that, while the Constitution of Virginia was almost entirely the work of George Mason, "The Preamble to the Constitution was probably derived in great measure, if not wholly, from the funds of Mr. Jefferson, the richness of which in such materials is seen in the Declaration of Independence as well as elsewhere."[8]

A letter from Edmund Pendleton, of Virginia, to Jefferson also confirms the part Jefferson played: "I expected you had in the preamble to our form of Government, exhausted the subject of complaint against George III, and was at a loss to discover what the Congress would do for one to their Declaration of Independence without copying, but find you have acquitted yourselves very well on that score."[9] Jefferson himself explains that, the Virginia Assembly "being pleased with the Preamble to mine, they adopted it in the House, by way of amendment to the Report of the Committee; and thus my Preamble became tacked to the work of George Mason."[10]

One political commentator stated relative to the Declaration, "whoever wrote it, Paine was the author."[11] Samuel Adams said of this remark, "There is as much to substantiate this claim as can be said for any other person."[12] Of course, this was not intended to convey the idea that Paine actually wrote

[7] James Madison: Letter to Thomas Ritchie, August 13, 1822.
[8] James Madison: Letter to Augustus B. Woodward, September 11, 1824.
[9] Edmund Pendleton: Letter to Thomas Jefferson, July 22, 1776.
[10] Thomas Jefferson: Letter to Judge Augustus B. Woodward, April 3, 1825.
[11] William Cobbett: quoted in "Thomas Paine, Prophet and Martyr of Democracy," by Mary Agnes Best.
[12] Samuel Adams: quoted in "Thomas Paine, Prophet and Martyr of Democracy," by Mary Agnes Best.

the Declaration, but that Jefferson reflected in that document the philosophy of Thomas Paine. It is quite possible that the clause against slavery, which was stricken out, might have been suggested either by Thomas Paine, himself, or by one of his pamphlets published shortly before that time.[13] Certain phrases are almost identical. Paine, however, never claimed authorship of any portion of the Declaration. Jefferson knew Paine, and admired his thoughts on government, which he said "were the principles of the citizens of the United States."[14]

On the basis of similarity in philosophy, a claim could well be made for James Wilson, whose pamphlet published in 1774, contained the same principles as the Declaration.[15] This is true, as John Adams asserted, for the work of James Otis, and Locke nearly a century before. If the inspiration was traced back through all the ages, the original author would prove to be the Author of all mankind.

These controversies were of minor importance at the time, but today they take on new significance. They prove conclusively not merely that Jefferson was the author of the Declaration, but that the Declaration represents the "sentiments of all America" and hence is the basic expression of our American principles.

The "self-evident truths" of the Declaration were the beliefs of the vast majority of our American forefathers. The accepted principle of the "equal rights of man" accounts for our national existence, but there were some, even at that time, who adhered to the doctrines of inequality. They cannot be counted among the authors of our Declaration, and their theories do not represent Americanism. Those few, who advocated inequality, endeavored to write their false doctrines into our laws. They "did not think well of Democracy." Some dis-

[13] See Thomas Paine's "A Dialogue between the Ghost of General Montgomery and an American Delegate."

[14] Thomas Jefferson: Letter to John Adams, August 30, 1791.

[15] See James Wilson's "On the Legislative Authority of the British Parliament."

tinctly favored monarchy. In several instances their own admissions can be quoted against them. It would be outside the purpose of this book to comment on these men, or to record their efforts to subvert our principles. It is sufficient to say that they were in the minority, and that their theories of inequality are not American.

Our history is rapidly becoming blurred by time. This makes it difficult to recognize which of our forefathers represented in their thoughts and writings the true American principles. Time has honored all who lived in our Revolutionary period. This enables those who would misrepresent our principles to parade false doctrines as "Americanism." Only a thorough understanding of the ideas expressed by the Declaration will enable us to know the false from the true.

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Serious problems of government will continually confront America. Progress requires change; old laws must be repealed, and new laws written. Old institutions must be discarded and new institutions established. If it is our desire that these changes be brought about in the "American Way," they must be patterned upon the basic principles as set forth in that avowed expression of our American purpose, the Declaration of Independence. As Americans, "let us live the creed set down for us in those gospels of Americanism, of which the heart is the Declaration of Independence."[16]

[16] Senator Albert J. Beveridge, in his address "Source of the Declaration of Independence," June 2, 1926, to the Historical Society of Pennsylvania.

# BOOK II

## THE MEANING OF AMERICA'S PURPOSE

## CHAPTER VI

# INTRODUCTION

*"Jefferson gave a complete theory of government when he gave us the doctrine of the Declaration of Independence."*

WILLIAM JENNINGS BRYAN.[1]

ON JULY 2, 1776, the Continental Congress adopted the resolution "that these united colonies are, and, of right, ought to be, free and independent states."[2] This action formally separated the American colonies from their parent government of England. The second day of July was therefore the real Independence Day. We have seen that John Adams considered this of such great importance, that he wrote, "The second day of July 1776, will be celebrated by succeeding generations as the greatest anniversary festival. It ought to be commemorated as a day of deliverance by acts of devotion to Almighty God. It ought to be solemnized with pomp and parade, with guns, bells, bonfires and illuminations from one end of the continent to the other, from this time forward forever more."[3]

The prediction of John Adams did not come true. We do celebrate with guns, bells and fireworks, but that which Americans commemorate is not only their separation from England, for "The Independence of America, considered merely as a separation from England, would have been a matter but of

[1] William Jennings Bryan: Jefferson's Writings, Monticello Edition: Vol. 8, page IX.

[2] Journals of the Continental Congress, Vol. 5, July 2, 1776.

[3] Letter from John Adams to his wife, July 3, 1776.

little importance, had it not been accompanied by a revolution in the principles and practices of government."[4] The occasion which is solemnized by all Americans occurred two days later, upon the Fourth of July, 1776, when Congress adopted the Declaration of Independence embodying the ideals and principles upon which this nation was founded. We do not celebrate the beginning of a revolution against Great Britain, but the beginning of a revolution against all the practices of government and the institutions of society, which foster inequalities among mankind. John Adams later wrote: "Not these United States alone, but a mighty continent, the last discovered, but the largest quarter of the globe, is destined to date the period of its birth and emancipation from the 4th of July, 1776."[5]

A knowledge of the principles embodied in the Declaration of Independence, and an understanding of their true meaning, are important to Americans. A repetition of its phrases and an analysis of its meaning will always be in order in this nation. It is particularly in point when the nation is confronted by a crisis, hence finds itself in need of wisdom.

When the laws of a nation fail to meet its problems, it must turn to its philosophy. If a nation is without an underlying purpose it must fail. If it has a philosophy, and it is false, the nation will fail. But if a nation possesses a philosophy, founded on the very principles of nature, if its citizens understand the intent and meaning of that philosophy, and if the nation turns to those principles in time and renews its determination, it will pass victoriously through every crisis, and by each effort make a bold advance toward the accomplishment of its purpose.

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[4] Thomas Paine: "Rights of Man."
[5] John Adams: Letter to Committee on Arrangements, New York City, June 10, 1826.

The Declaration of Independence is composed of four parts. The first is an introduction, expressing an intention to separate from England. The second is a justification based upon the fundamental relationship of man to man, and man to his government. The third is a statement of specific grievances and abuses of power by the king of England. The fourth is a declaration embodying the resolution for independence previously passed by Congress. The first, third and fourth parts have served their full purpose. It is no longer necessary to introduce the subject of independence. The specific acts of George III have had their natural effect. The resolution of Congress declaring our independence was a matter of history even before the adoption of the Declaration itself.

The second part of the Declaration, however, comes down to us as vital, and as applicable to present conditions, as it was at the moment it flowed from the pen of Jefferson. Into this single paragraph of the Declaration, Jefferson built, not only the justification for our separate national existence, but the purpose which justifies our continuance as a nation. The sound principles of this paragraph cannot be too often repeated. Its words should mark the opening of every public gathering, whenever and wherever Americans assemble. It should be uttered as a firm belief, a sincere conviction, a determination of purpose.

> "We hold these truths to be self-evident: That all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness; that, to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends it is the right of the people to alter or to abol-

ish it and to institute a new government, laying its foundation on such principles, and organizing its powers in such form as to them shall seem most likely to effect their safety and happiness."[6]

"All honor to Jefferson," said Abraham Lincoln, expressing his admiration of, "the man, who in the concrete pressure of a struggle for national independence by a single people, had the coolness, forecast, and sagacity to introduce into a merely revolutionary document an abstract truth, applicable to all men and all times, and so embalm it there that to-day and in all coming days it shall be a rebuke and a stumbling-block to the very harbingers of reappearing tyranny and oppression."[7]

The admiration of Lincoln was well deserved. It is not the ordinary procedure for an instrument calling for political action against unbearable conditions to express other than hatred and threats. Force of oppression and adverse conditions usually inflame the mind and sour its thoughts. If it gives rise to a philosophy at all, it is usually one of self-interest. Yet, under increasing pressure of political activity, with war already in progress, in the face of a demand for immediate action, Jefferson deliberately phrased a document voicing a philosophy of ideals "applicable to all men and all times."

We of this nation dare not deny the truth of these statements. To do so would deny the basis for our separate national existence and our right to possess our land without paying tribute and allegiance to the king of England. Yet some, who call themselves Americans, have had the audacity to deny these truths. Lincoln tells us, "The principles of Jefferson are

[6] Declaration of Independence.
[7] Abraham Lincoln: Letter to H. L. Pierce, April 6, 1859.

the definitions and axioms of free society and yet they are denied and evaded, with no small show of success. One dashingly calls them 'glittering generalities.' Another bluntly calls them 'self-evident lies' and others insidiously argue that they apply to 'superior races.' "[8]

It was not the intent of those who adopted the Declaration of Independence to misrepresent conditions among mankind. They were not voicing a philosophy based upon things as they were, but which "by right, ought to be." This evolutionary view of our American philosophy was clearly explained by Lincoln, when he said, "They meant to set up a standard maxim for free society, which should be familiar to all, and revered by all; constantly looked to, constantly labored for, and even though never perfectly attained, constantly approximated, and thereby constantly spreading and deepening its influence and augmenting the happiness and value of life to all people of all colors everywhere."[9]

[8] Abraham Lincoln: Letter to H. L. Pierce, April 6, 1859.
[9] Abraham Lincoln: Address at Springfield, June 26, 1857.

## CHAPTER VII

# THE FOUNDATION OF AMERICA'S PURPOSE

*"The laws of Nature and of Nature's God."*

THE DECLARATION OF INDEPENDENCE.

WHEN our forefathers finally decided to establish a separate nation they justified their action, and laid the foundation for the government they were creating, upon the highest authority. In the Declaration of Independence they designated this supreme authority as "the laws of Nature and of Nature's God."

Amid the confusion of man's little complexities, he sometimes forgets his source. Exalted by his conceit, he considers himself superior to nature, of which he is but a part. Suddenly he reaches the end of the tether, and is jerked back to the realization that he is but a creature of nature, molded from nature's clay, produced by nature's processes, patterned in nature's fashion, and obedient to nature's commands.

Now that man has acquired a smattering of knowledge, he readily admits that the very protons and electrons of simple inanimate matter are so arranged that they are held in strict obedience to the laws of nature. But he may insist that, since he is an animate creature of the highest order, he possesses a mind, intellect and will, hence can dictate his own actions. He overlooks the fact that the empire over which he claims do-

minion is still within the greater territory of nature. "The law of Nature is universal."[1]

While nature has permitted man some jurisdiction, he is still controlled by irresistable forces built inseparably into his structure. Occasionally this is recognized when he speaks of his "human nature," as though to admit that some small part of him is subject to nature's control. In fact all of man is but a tiny speck of nature, which has been made human.

Since man possesses the advantage of being animate, he is also under the disadvantage of sustaining that animate condition called life. He is continuously destroying and rebuilding himself, and therefore is constantly in need. Had he been turned loose to shift for himself, dependent only upon the dictatorship of his undeveloped mentality, his needs would soon have overwhelmed him. He would have perished. A kindly nature prevented this catastrophe by providing instincts to guide him, at least until he could develop an intellect upon which his life might more safely depend. Hunger, thirst and other primary requirements were satisfied through instinctive desires. Greed, fear, love, hate and other emotional reactions spurred him into action when the normal inertia of physical matter tempted him to remain inanimate. A curious mixture of these needs, desires, instincts and emotions account for most of human activity. Man's behavior is determined much less by his mind, than by these inherent forces.

Included in man's nature was an urge to unite and cooperate with his fellowmen. This produced human society even before man possessed intellect. The institutions which society developed were not carefully considered results of men's mentality, but impelled by their united instincts and modeled to meet their immediate needs.

While man and his institutions tend more and more to follow the dictates of his mind, his mental element still plays the

[1] James Wilson: Essay, "Of the Law of Nature."

minor role. Being a part of nature, man must always react to the forces which effect all nature. These forces follow definite principles which man has learned to respect as the Laws of Nature. These laws he must obey. Nature exacts obedience by making it natural for man to obey, and punishes by disaster any attempt to defy these dictates.

The laws of nature are not within the jurisdiction of man; on the contrary, man is completely within their jurisdiction. Hence, it is to man's advantage to understand these laws. To discover these principles is the quest of philosophy. To know their origin is the goal of religion. "Man cannot make, or invent, or contrive principles; he can only discover them, and he ought to look through the discovery to the Author."[2]

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One of man's foremost characteristics is the desire to create; this he inherits naturally from his parent, the Creator. Man likes to set up his little dominions and make laws for them, just as did the Creator for the Universe. With these laws man attempts to regulate the affairs and actions of his fellowmen. All men want to play God, but none possess the qualifications. No man is as able to make laws for other men, as is the Creator for the greater task of making laws for all the universe; nor are man's motives so pure and free from selfish desires. When man's evolution produced an intellect to assist his instincts, some men tried to turn the efforts of all society to their individual gain. Those entrusted to make the laws, constructed them to perpetuate their position and personal advantage. Knowing little of the laws of nature, the lawmakers disregarded and defied them if it served their ends. These man-made laws often restricted, and even contradicted, the inherent tendencies which nature had implanted in man.

[2] Thomas Paine: Essay, "The Existence of God."

Despite this all men were expected to obey these laws, and when they were disobeyed, the law-makers were surprised and angered. The luckless fellow, who followed his nature, was called an "outlaw," but it was the law that was unlawful.

It is not possible for man to amend his own creation. He is already bound by a constitution he can neither disobey nor repeal, the laws of nature. Had early law-makers been as wise as they were powerful, they would first have sought to discover and understand the principles which man must obey, and then draft their laws to coordinate with these laws of nature. "Wisdom in government consists in discovering the natural laws and following them, not in devising hasty expedients whereby they may be circumvented."[3]

If man's laws could parallel the laws of nature, they would not conflict, but would be as permanent as he pretends they are. If he developed his laws logically in accordance with his understanding of the laws of nature, they might endure. But when they vary, ever so slightly, a conflict is certain to occur. The result is inevitable. Nature's laws will not change; man's laws must and will break down. "The principles of natural right are perfect and immutable, but the condition of the law is ever changing and there is nothing in it which can stand forever. Our laws are born and die."[4] Aristotle said, "Natural justice is law because it is right; conventional justice is right because it is law."[5] Locke expressed the same thought, when he stated that man-made laws are "only so far right as they are founded on the law of Nature, by which they are to be regulated and interpreted."[6]

The difference between the conflicting codes of Nature's law and man's law is well recognized by the man on the street when he speaks of actions as being "morally right," though

[3] John W. Davis: Address, February 27, 1935.
[4] Lord Coke, one of England's most celebrated jurists.
[5] Aristotle: "Rhetoric," Book 1.
[6] John Locke: "True End of Government."

they run contra to the letter of human law. This is merely an inborn sense of the justice of Nature's law, in conflict with the feeble contrivances of man.

Right or wrong, man-made laws became binding precedents. Lacking reason, it was wise for stupid men to follow precedents, hence, they were perpetuated. Constantly they came in conflict with human requirements; constantly disaster followed; and constantly these laws broke down. Slight amendment was the immediate panacea which prevented their total abolition. Ignorance gave way, but slowly, to advancing intelligence.

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A conflict, between the laws of man followed blindly for centuries and a philosophy produced through a clearer understanding of the laws of nature, was an attributing cause of our American Revolution. One man, the King of England, claimed the right to dictate the destinies of millions of colonists, thousands of miles distant. However, "the inhabitants of the English Colonies in North America, by the immutable laws of nature,"[7] claimed the right to a voice in the society of which they were members. The one depended upon laws said to have been founded on "Divine Right," but in reality fabricated by him; the other depended upon "the laws of nature and of nature's God."

To "declare the causes" and justify the step our forefathers were about to take required them to look beyond human laws. Nothing in the unwritten constitution of Great Britain, its common law, the Magna Carta, nor the other statutes, which wrought minor changes in the common law, afforded any legal basis for a revolution against existing government. The very

[7] "Declaration of Grievances and Right," adopted by Continental Congress, October 14, 1774.

land upon which they lived was held by feudal tenure from the English king. Their legal title to it required continued allegiance to that king. They were not men to take or hold property merely by the right of might. As they then stated, "a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation."[8] A justification for the step they were about to take could only be found in a higher authority, "the laws of nature and of nature's God."

The laws of man afforded no precedent for the right of a "colony" to self-government. The colonists were aware of this, for they were well versed in human laws. Edmund Burke said of the colonies, "In no country, perhaps, in the world is the law so general a study. . . . I hear that they have sold nearly as many of Blackstone's 'Commentaries' in America as in England."[9] But there was a preference for works based upon reasoning from nature, rather than legalistic precedent. The writings of Grotius, Pufendorf, Vattel, Burlamaqui, Rousseau, and Locke, particularly those of Locke, were widely read and discussed. The reasoning of these philosophers, of the natural school, fitted more nearly the colonist's own observations made from nature that appeared to have come down from the Creator, untouched by human hands.

Books and pamphlets were not necessary to teach the colonists the true relationship of man to nature. The rugged features of nature itself were always vivid reminders of the source of all men and all things. They saw and understood more clearly than did those who were surrounded by the gilted courts and stone monasteries of Europe, from which emanated the philosophy of inequality, feigned superiority and "divine right of kings." They knew that king and serf were made of the same clay; that rich and poor alike were dependent

[8] Declaration of Independence.
[9] Edmond Burke: Works—Vol. II.

upon the same earth. To these hardy pioneers, nature alone was the sovereign whose decrees must be respected. The natural elements were the powers and forces with which they were compelled to reckon. The trees, rocks, soil and sand were the money with which they banked. Fundamentals of nature were valuable knowledge, all else superficial. No theory was more strongly implanted in the colonial mind than that nature and nature's God had built into the universe basic principles, which neither man nor his institutions could alter; that attempts by man to contravene these natural laws by his own ordinances were void.

Throughout the colonial writings from the earliest times, were references to "the laws of nature." In their struggle for religious freedom the colonists found it necessary to appeal to these laws, when laws of human government restricted their liberty of conscience.

Belief in the supremacy of nature's laws was expressed by William Penn, founder of Pennsylvania, whom Jefferson declared to be "the greatest law giver the world has produced"; Thomas Hooker, of Connecticut; Roger Williams, to whom Rhode Island owes its beginning; and John Wise, whose writings were later republished, because of their application to our political struggle.[10] These and many other early colonists saw, in "the laws of nature," the authority for freedom of religious belief. Left to their own resources, they had worked out and applied governmental practices in keeping with their equal condition and natural surroundings.

When George III began his ambitious attempt to reëstablish his monarchial authority in the colonies, it was resented as opposed to "natural law." Against the faded philosophy of "divine right of kings," and the precedents of England's colonial laws and policies, was hurled the reply, "there can be

[10] John Wise: "A Vindication of the Government of New England Churches" (1717).

no prescription old enough to supersede the law of Nature and the grant of God Almighty, who has given to all men a right to be free."[11] In answer to the legalistic arguments of Sir William Blackstone, that government required a superior authority, which superior was the King and Parliament, came the rebuttal from a Colonial authority on law, that, "All men are by Nature equal and free: No one has a right to any authority over another without his consent."[12]

Reference was made in some of the arguments of the colonists to rights under the unwritten English constitution, but these carried little force. The decision to separate could not be justified upon constitutional grounds. When the break became imminent, the only and the complete justification lay in "the laws of nature." Jefferson's phrase in the Declaration "the laws of nature and of nature's God" was not original, but characteristic of American thought.

[11] James Otis: "Rights of the British Colonies Asserted and Approved," 1764.
[12] James Wilson: "On the Legislative Authority of the British Parliament," written 1770, published 1774.

## CHAPTER VIII

# THE NATURAL RIGHTS OF MAN

*"There are rights antecedent to all earthly government—rights that cannot be repealed or restrained by human laws—rights derived from the great Legislator of the Universe . . ."*

JOHN ADAMS.[1]

THE supremacy of natural law over human law is the foundation for natural rights which are superior to rights established by human laws and constitutions. The creation of man is itself the authority for his right to continue and enjoy life, once it has begun. The source of man is the source of the natural rights of man. Whether man originated complete and perfect from the hands of God, or evolved slowly through processes of nature, his rights came into being with him. "The sacred rights of mankind are not to be rummaged for among old parchments or musty records. They are written as with a sunbeam in the whole volume of human nature, by the hand of the Divinity itself and can never be erased or obscured by mortal power."[2]

A firm belief in the principle of natural rights is an integral part of America's philosophy. Before the Declaration of Independence expressed the "self-evident truth" that all men are "endowed by the Creator with certain inalienable rights," the

[1] John Adams: "Dissertation on the Canon and Feudal Law" (1765).
[2] Alexander Hamilton: quoted in "American Political Theory," by Chas. Edward Merriam.

colonists cherished a belief that natural rights were recognized in English governmental theory. Samuel Adams stated with loyal zest that, "the rights of nature are happily interwoven in the British constitution!"[3] When, unhappily for Great Britain, he discovered they were not, he became an early advocate of revolution.

Without attempting to mention all the rights which arise naturally from man's creation, Jefferson named those most essential when he wrote, "among these are life, liberty, and the pursuit of happiness." These vital natural rights are so important that each deserves separate definition in this analysis of our American philosophy.

The endowment of these rights is not a gift bestowed upon mankind as a group, but is the individual inheritance of every man upon his own creation. Each life, being separate, must be separately sustained and can only be separately enjoyed. These rights are, therefore, not part of the general funds of nature. The earth and its abundance are considered as the common property of all mankind, but man's rights are his own, individually.

The Declaration of Independence correctly termed these rights, "inalienable." By "inalienable" it meant that these rights cannot be transferred, either voluntarily by the man himself, or taken away from him involuntarily by others. This inalienable characteristic is necessary to the enjoyment of these natural rights. To permit rights, essential to life, to be taken away, would in effect permit the destruction of man himself; if they could be voluntarily assigned, it would justify self-destruction. Without absolute prohibition against transfer, man could be slowly divested of his rights until he could no longer sustain life. To barter or sell these gifts of his Creator would

[3] Samuel Adams' Works, Vol. I.

be a sacrilege; to permit others to do so would add to the desecration the injustice of slavery.

Natural rights play an important role in the theories relating to the beginning of society. Many philosophers refer to a state of nature, in which man is supposed to have existed before he united with his fellowmen in a social life. Some picture this state of nature as ideally perfect, each man enjoying equal rights, unhampered liberty and complete happiness. The inequalities and restraints, which are the source of man's present unhappiness, are supposed by some to have begun with society. Locke and Rousseau expressed such views.

No scientist today would agree that an ideal state existed in primitive times. We know it did not, and very likely Locke, Rousseau and others, who reasoned from this ideal state in nature, realized it was a fiction. The mode of logic in vogue at the time they wrote required every argument to be based upon precedent. Their philosophies were those of a period of transition, at which time the force of precedent was waning, and reason was beginning its ascendency. Their conclusions were reached by reason, but the customary method of expression compelled them to base their arguments upon precedent. They did not have a knowledge of our present theory of evolution, which no doubt they would have gladly accepted, just as they eagerly grasped Newton's method of reasoning from nature.

Those who held this early view of natural rights pictured primitive man convening to form society. They conceived the beginning of society as formed by an agreement or compact between primitive men. By this compact, men were supposed to have entrusted certain of their rights to society. The natural rights thus entrusted to society then formed the basis for civil

rights. All the injustices and inequalities among mankind were presumed to have resulted from the civil rights created by society.

Much of the criticism of the theories of natural rights and social compact come from the fictions upon which they were originally based. Many of the modern sophists ridicule the ideal state of nature, and laugh at the thought of primitive men forming a compact as the basis of society. They overlook the fact that neither of these fictions are essential to the conclusion that men have equal natural rights, and that the rules regulating society should be formed through a compact entered into by the consent of all its members. They also overlook the peculiar coincidence that many correct scientific theories derive their humble beginning from misconceptions of fact.

Our American forefathers thought well of the conclusions of the natural school of philosophy. They adopted much of the reasoning, and largely ignored the fictions upon which they were based. Their belief in the natural rights of man was derived from the observation of its truth, built into the natural rugged world in which their life had been cast. They held to the natural philosophy as an ideal, and by their expression of natural rights in the Declaration, they "contemplated the progressive improvement in the condition of all men everywhere."[4] They saw around them the evolution of natural things, and realized that society was a natural institution of human evolution. "To a state of society, we are invited from every quarter. It is natural; it is necessary; it is pleasing; it is profitable to us. The result of all is, that for a state of society we are designated by Him, who is all-wise and all-good."[5]

Instead of condemning society as the source of inequality of rights, they recognized these resulted from abuses of an

[4] Abraham Lincoln: Speech at Springfield, Ill., June 26, 1857.
[5] James Wilson: "Of Man, as a Member of Society." Works, Vol. I.

institution, which was intended as a blessing. "Man did not enter into society to become worse than he was before, nor to have fewer rights than he had before, but to have those rights better secured."[6]

The creation of society, by a compact of its members, was conceived by American philosophers to be a reality, not a fiction. They intended the society which they were establishing to be composed in that manner, not because of any precedent in the past, but because a careful study of the rights of man led them to the conclusion that such method was the only just one. "All governments of right originate from the people, are founded in compact only."[7]

The relation of man to society has been a matter of contention among philosophers since the very beginning of human society. Some claim that man surrenders or gives up his natural rights to society. Others contend that only some of these rights are given up, and that the others are retained by the individual.[8] The theory most favored by American thinkers is that none of these rights are ever given up, that they are "inalienable." Some of our natural rights are entrusted to society, because society is able to exercise them for the greater advantage of the individual. The rights, however, are still the sacred property of the individual, merely entrusted for specific purposes.[9]

Those brilliant philosophers, to whom we owe our national existence, did not attempt to create a government merely along such lines as they thought might prove best. They made a sin-

[6] Thomas Paine: "Rights of Man."
[7] Constitution of Maryland, November 11, 1776.
[8] See Constitution of New Hampshire, 1783.
[9] See Constitution of Virginia, June 12, 1776.

cere attempt to ascertain the proper relationship of man to society, in order to preserve the natural rights of man.

One of the most interesting documents on the relation of man to society is a memorandum found among the possessions of Thomas Jefferson. It reveals the reflections of Paine, Jefferson and Wilson as to those rights which man should exercise for himself, and those which he should entrust to society to exercise for him. The writer had apparently noted his thoughts after a discussion with James Wilson concerning the Articles of Confederation. This memorandum has been attributed both to Jefferson and to Paine. The authorship, however, is unimportant for both Paine and Jefferson were very much in accord in their philosophy.[10]

The memorandum begins by illustrating the formation of simple society. It reads, "Suppose 20 persons, strangers to each other, to meet in a country not before inhabited. Each would be a sovereign in his own natural right. His will would be his Law—but his power, in many cases, inadequate to his right. It would then occur to them that their condition would be much improved, if a way could be devised . . . so that each individual should possess the strength of the whole number."

Having decided to organize into society, these men would then review their natural rights to decide which of their rights they should retain, and which they should entrust to society. The memorandum continues; "they would begin by distinguishing between those rights they could individually exercise fully and perfectly, and those they could not." The writer points out that the individual would retain "the rights of thinking, speaking, forming, and giving opinions, and perhaps all those which can be fully exercised by the individual without the aid of exterior assistance," since, "where the right and the power

[10] Attributed by Gilbert Chinard to Thomas Jefferson, in "Thomas Jefferson, the Apostle of Americanism"; attributed to Thomas Paine by William M. Van der Weyde in "Life and Works of Thomas Paine." The letter appears to the author to be in the handwriting of Thomas Paine.

are equal with each other in the individual naturally they ought to rest there."

The writer conceives, however, of a second class of rights, those "in the exercise of which the individual's natural power is less than the natural right." These rights are distinguished from the other natural rights, and are considered as properly entrusted to society. They are called civil rights, because they must depend upon society to be secured and guaranteed, also because society can exercise these rights to better advantage than the individual can for himself. As an example of such civil rights, this memorandum mentions that of acquiring and possessing property, which could not exist without the protection of society. Thus man's "natural rights are the foundation of all his civil rights."[11]

The rights of man in society are not gifts from society, but endowments from the Creator to the individual, who "deposits his right in the common stock of society, and takes the arm of society, of which he is a part, in preference and in addition to his own. Society grants him nothing. Every man is a proprietor in society, and draws on the capital as a matter of right."[12]

These inalienable rights, when entrusted by man to society, do not lose any of their "inalienable" characteristics. Being "inalienable" in the individual, they remain "inalienable" in the collective individuals who form society. As a result of this "inalienable" nature, neither society, nor government, which is its authorized agent, can exercise these rights except for the mutual advantage of those by whom they were entrusted. They cannot be sold, bartered nor delegated to other individuals or groups, to be exercised by them for their own profit and advantage. A study of our history demonstrates that usurpation of these inalienable rights, abuse of the sacred trust by govern-

[11] Thomas Paine: "Rights of Man."
[12] Thomas Paine: "Rights of Man."

ment, and the delegation of the equal rights of all to individuals and groups, for their private profit and advantage, account for much of the inequality, which condemns human administration of man's natural rights.

All parts of nature have their counterparts. Natural rights likewise have their counterparts in natural duties. "When we speak of rights we ought always to unite with it the idea of duties; rights become duties by reciprocity. The right which I enjoy becomes my duty to guarantee it to another, and he to me; and those who violate the duty justly incur a forfeiture of the right."[13]

In primitive times, man recognized only his own necessities. With the exception of his own family, it is unlikely that he felt sympathy toward his fellowmen and their requirements. There was no recognition of rights of others except when compelled by sheer physical force. Under savage conditions, might was the basis for human relationship rather than theoretical right. Rights were recognized only when man developed sufficient intelligence to recognize the reciprocal rights of others. Thus rights and duties were established at the same time.

When man combined to form society, he entrusted to society some of his rights. In so doing he did not relieve himself of the obligation of the duties which accompany these rights. The effect of entrusting rights and duties to society is to reverse them. Duties become rights, and rights become duties. Individual rights, entrusted to society, impose the duty on society to exercise them to better advantage for the individual. Individual duties, entrusted to society, become the right and authority by which society compels the individual to perform the obligation of these duties.

[13] Thomas Paine: "On First Principles of Government."

The duty of each individual to accord to others the right to life, becomes the authority by which government prevents him from taking his neighbor's life. Society, by accepting the trust of the individual's right to life, becomes obligated to preserve his life.

Some consider they have no duties toward their fellowmen. They consider any act of human kindness an act of charity. While they are quick to demand that society protect their property, they fail to realize that the same right imposes a duty upon society to see that the others obtain sufficient property with which to sustain life.

Much emphasis has been placed upon civil rights, but civil duties have been neglected. It must be remembered that failure to perform a duty is an infringement on another's right. When the infringement is by society, the crime becomes greater in proportion to the power of the one who commits it.

Natural rights and duties are authorized by natural law. Human laws, being inferior, must not infringe upon natural rights, or fail to enforce natural duties. Yet the sinister motive behind many of our human laws is to obtain for a favored few excessive civil rights, or the avoidance of social duties.

Great disasters, such as wars and economic depressions, are infrequently ascribed to trivial infractions of human laws. Instead, these disasters result from an infringement of natural right under the very authority of some human legislation. Invariably the occurrence of such disaster turns the cycle of human thought to a closer examination of natural rights and duties. The basic cause is discovered, not in the disregard for human laws, but in the disregard of natural rights.

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Events leading to the American Revolution caused our forefathers to consider carefully the relation of government to

natural rights. They saw the basis of Britain's government laid in arbitrary power, having for its purpose the perpetuation of position and wealth of a few, in absolute defiance of the natural rights of the many. Human laws authorized and enforced this infraction of right, as a proper exercise of government.

When the opportunity was given to them, to establish a government of their own, they disregarded human laws and precedent, and founded this nation for the natural purpose for which society was intended, to secure man's natural rights. They wrote into their Declaration of Independence, "that, to secure these rights, governments are instituted among men." Thus "America, with the same voice which spoke herself into existence as a nation, proclaimed to mankind the inextinguishable rights of human nature, and the only lawful foundations of government."[14]

[14] John Quincy Adams: Address July 4, 1821.

## CHAPTER IX

# EQUALITY

*"I believe the declaration that 'all men are created equal' is the great fundamental principle upon which our free institutions rest."*

ABRAHAM LINCOLN.[1]

NO ONE, since Revolutionary times, had a deeper knowledge of the meaning and spirit of the Declaration of Independence than Abraham Lincoln. It was his encyclopedia. He considered the "self-evident truths" of that instrument more vital to humanity than the very existence of the nation for which he later gave his life. He held the true importance of our nation to mankind lay in the fact that it was "dedicated to the proposition that all men are created equal."[2] He considered the life of any man or of any nation insignificant compared with the "great fundamental principle upon which our free institutions rest," and proved the sincerity of his behalf by declaring, "If this country cannot be saved without giving up that principle, I was about to say, I would rather be assassinated on this spot than surrender it."[3]

Of all American principles, that of human equality is the least understood. It is constantly avoided, distorted and denied. Some apologize for this plain truth and explain that it is merely an idealistic phrase; that it refers only to certain

[1] Abraham Lincoln: Letter to J. W. Brown, October 18, 1858.
[2] Abraham Lincoln: Famous address at Gettysburg, Pa., November 18, 1863.
[3] Abraham Lincoln: Address at Independence Hall, Philadelphia, February 22, 1861.

people, or to certain races; that it means only political equality; that its entire purpose has been served; that it does not apply to end the inequalities of today; that the authors of the Declaration of Independence, though they said "equality," did not intend it. These arguments and many more have been raised to enfeeble and subvert this clear-cut declaration of human equality. Everything that could be said to destroy its usefulness has been said, but its truth persists.

Confronted by the task of applying American principles to an American crisis, Lincoln found it necessary to first explain their meaning. The nation appeared to have forgotten the wisdom with which it was born. In one of his greatest addresses Lincoln expressed his understanding of the Declaration that "all men are created equal." "I think the authors of that notable instrument intended to include all men, but they did not intend to declare all men equal in all respects. They did not mean to say all were equal in color, size, intellect, moral developments, or social capacity. They defined with tolerable distinctness in what respects they did consider all men created equal—equal with 'certain inalienable rights, among which are life, liberty, and the pursuit of happiness.'"[4]

Lincoln's interpretation was not new. Equality was always intended to relate to man's natural and civil rights. It was considered as an important part of the philosophy of natural rights. Men of knowledge had never applied the doctrine of equality to physical and mental characteristics. Such misapplication was invariably the work of quibblers who sought to direct the issue away from equality of rights. A century before, the same distinction had been carefully made by Rousseau. "I conceive two species of inequality among men; one which I call natural, or physical inequality, because it is established by nature, and consists in the difference of age, health, bodily strength, and the qualities of the mind, or of the soul; the

[4] Abraham Lincoln: Address at Springfield, Ill., June 26, 1857.

other which may be termed moral, or political inequality, because it depends on a kind of convention, and is established, or at least authorized, by the common consent of mankind. This species of inequality consists in the different privileges, which some men enjoy, to the prejudice of others, such as that of being richer, more honoured, more powerful, and even that of exacting obedience from them."[5]

The phrase "all men are created equal," properly understood, is indeed a "self-evident truth." Without the intervention of human institutions, every man enters the world subject to equal needs. The preservation of life, and its enjoyment free from restraints, are natural accompaniments of every man's creation. The "endowment" of equal rights is merely an essential balance to these equal requirements. "Equality is the natural law of man."[6]

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Early philosophers who preached equality spoke of a natural state of perfect equality, supposed to have existed before man entered into society. To-day we know such an ideal state was merely a fiction which these men used as a precedent upon which to base their arguments. Primitive man recognized might, not right. The earliest recognition of the rights of others probably came with the beginning of society. At that time man's mental evolution was in its infancy. Society began with inequalities of rights based upon inequalities in physical and mental capabilities. Only with man's growing intelligence have these inequalities tended toward correction.

Equality is not an ideal state away from which man is going, but an ideal toward which he is progressing. The history of

[5] Jean Jacques Rousseau: "Discourse upon the Origin and the Foundation of the Inequality Among Mankind."
[6] Euripides (480-406 B.C.), "Phoenissae."

man presents a constant trend toward this goal of equality. "In perusing the pages of history, we shall scarcely meet with a single great event . . . which has not turned to the advantage of equality."[7] The most casual observer cannot fail to notice the innumerable events, happening within a single generation, which illustrate this inevitable trend toward equality.

America's philosophy of equality conforms with human evolution. It is an expression of right; an ideal to be attained. Like other American doctrines, equality does not depend upon a fiction. It does not refer to conditions in the past, nor as they exist in the present, but to that which "by right ought to be." Our American founders knew that man, as a result of an equal Creation, was entitled to equal natural rights; that these were the foundations of his rights in society; and therefore man's rights, both natural and civil should be equal. It was their determined purpose to bring about that equality.

This interpretation was well expressed by Lincoln, when he gave his view of "the meaning and object of that part of the Declaration of Independence which declares that 'all men are created equal.'" He said, "This they said and this they meant. They did not mean to assert the obvious untruth that all were then actually enjoying that equality, nor yet that they were about to confer it immediately upon them. In fact, they had no power to confer such a boon. They meant simply to declare the right, so that enforcement of it might follow as fast as circumstances should permit."[8]

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American equality is often misinterpretd in an attempt to qualify or limit the full effect of the plain word "equal." The

[7] Alexis de Tocqueville: "Democracy in America," Vol. I.
[8] Abraham Lincoln: Speech at Springfield, Ill., June 26, 1857, discussing Dred Scott Case.

very term equality is hated by those whose smug conceit breeds within their empty shells feelings of false superiority. They avoid it as they would poison. It hurts; it stings; its acid truth cuts through the thin veneer of their affected polish and discloses their fraud. It is omitted from the declaration of American principles every time patriotism is rallied in a deceitful attempt to protect inequalities. When they must use it, they qualify it.

Frequently American equality is interpreted as "equal opportunity." Whether or not this is a misinterpretation depends upon what is meant by "equal opportunity." If it is intended to imply that all now enjoy equal opportunity, it is a gross deception. The unequal conditions that still exist in America, are unfortunate contradictions of American equality. However, if the phrase means that conditions in this country will be changed so that in the future every one shall have equal rights, hence enjoy equal opportunity, such an ideal conforms with the true meaning of equality. "It was that which gave promise that in due time the weights would be lifted from the shoulders of all men, and that all should have an equal chance. This is the sentiment embodied in the Declaration of Independence."[9]

Another misconception, which has wormed its way into American political thought as a substitute for equality, is the ambiguous phrase "equality before the law." This expression would be a revelation of true Americanism if it were intended to convey the principle that equality comes before and takes precedent over human law. Unfortunately it is used to mean the opposite, namely that the only equality to which Americans are entitled is equal administration of our present unequal laws. It likewise falsely implies that we are now all equals in the eyes of the law. At best it promises only the doubtful privilege of sueing and being sued in our courts, a privilege

[9] Abraham Lincoln: Speech at Independence Hall, Philadelphia, Pa., February 22, 1861.

which no country denies, and which is much to the advantage of inequality.

Equality, though a fundamental principle of nature's law, is often the forgotten principle of human law. Instead, man's feeble attempts at legislation reflect the self-interest of groups seeking special privilege and the powerful influence of those who wish to perpetuate their unequal advantages. Tested by the acid test of equality, a vast majority of man's laws would fail.

As for the administration of the law, its inequalities are already too well recognized. At best equal administration of unequal laws could only make for greater inequality. The ultimate of present justice is attained only when existing handicaps and advantages are taken into consideration, and a touch of human kindness is added to temper the administration of law and so balance the scale. Not until human laws cease to protect inequalities, and aim to establish absolute equality, will "equality before the law" mean the same as our American ideal.

The enemies of equality, unable to argue from reason, resort to ridicule as a weapon. Their favorite hoax is to confuse "equality" with "intimacy." They say that the advocates of equality, to be consistent, must also advocate intimate relationships of all kinds between all people. The two words are in no way related. Intimacy always has been, and always will be, a matter of personal selection. A fair minded man is always willing to accord equal rights, even to the most abject person, though intimate association would be most distasteful.

This scare-crow of intimacy was erected as an argument against Lincoln when he advocated equal rights for the negro slave. Lincoln's reply was direct and conclusive: "Now I protest against the counterfeit logic which concludes that, because I do not want a black woman for a slave I must necessarily

want her for a wife. I need not have her for either. I can just leave her alone. In some respects she certainly is not my equal; but in her natural right to eat bread she earns with her own hands without asking leave of any one else, she is my equal, and the equal of all others."[10]

Despite the progress and inevitable trend toward the American ideal of equal human rights, there are always some who would avoid the issue. They point to natural dissimilarities, and convince themselves they have disproved this basic principle by evading it.

Biological differences may explain existing inequality of rights, but they do not offer any reason why these inequalities should continue. Instead they present a convincing argument why human rights should be immediately equalized. When man is considered in the infant stage, before the inequalities of human institutions have added their advantages and imposed their handicaps, biological differences are insignificant. Even when man becomes mature, biological differences are not as vast as some would have us believe. Physical capabilities may vary two or three times, while mental inequalities among normal people are scarcely more widely separated. Frequently, mental differences are merely matters of different background and experience. Usually these biological differences can be traced directly to differences in opportunities created by inequality of civil rights.

The philosophy of superiority finds its most ardent exponents among the advocates of economic inequality. It pleases their vanity to argue that the vast differences in wealth are

[10] Abraham Lincoln: Speech at Springfield, Ill., June 26, 1857, discussing Dred Scott Case.

the result of the biological superiority of some, and the inferiority of others. They argue that, "no economic equality can survive the workings of biological inequality." However, they fail to use their argument of biological superiority to advocate higher wages for those who are physically strongest, the miners, stevedores, porters and laborers. Nor do they use this argument to advocate greater rewards for mental giants, whose scientific achievements account for much of our comfort and enjoyment of life. It seems the argument is confined to excuse those who have already obtained outrageous fortunes, and who claim they did so through their superiority. Unfortunately this superiority is not the kind that enures to the benefit of society. It is usually limited to a shrewder knowledge of financial connivance.

The philosophers who expound the theory of superior rights are often closely associated with some "superior" individual or group, either a king whose "divine right" they are endeavoring to sustain, or the wealthy whom they flatter for their own advantage. One who is willing to prostitute his talents in this manner is certain of immediate recognition. It is no coincidence that there has never been a philosopher who, speaking for "inferiors," admitted he and they were entitled to lesser rights.

Some honestly claim superiority because of highly developed conceit. This superiority complex is the way in which kindly nature conceals real inferiority, even from the man himself. There are those who fear equality of rights because they realize their natural inferiority would place them at a disadvantage. Others affect an attitude of superiority because of natural inferiorities, just as a monocle worn to correct a defective eye, or a cane used to prop up a deformity, lends a pose of superiority. Rarely do those fortunate enough to possess natural or developed superiority seek unequal ad-

vantages. They are content with equality of rights, for on a basis of equality they can best demonstrate their real superiority.

In the transition between savagery and civilization, those who by might or cunning succeeded in attaining superior position, sought to perpetuate their superiority against the time when they would become victims of age and weakness. They pointed to their physical superiority as an excuse for establishing superior privileges. Those who insist upon superior rights to-day are displaying their primitive instincts, not their intelligence.

The unkindness of nature is no authority for further cruelty by man. The purpose of civilization is to make amends for the handicaps of nature, and to assist the weak rather than to add to their impediments. If natural inequalities are made an excuse for unequal rights, the differences between mankind will be magnified until civilization is torn apart. An inequality begins as an innocent advantage. When it is established as a fixed right, it grows like an ugly cancer in society until it becomes a conspicuous injustice which demands removal. So surely as one enjoys an unequal advantage, another is deprived of his equal right. "It is always to be taken for granted, that those who oppose an equality of rights never mean the exclusion should take place on themselves; . . . they are playing a safe game, in which there is a chance to gain and none to lose; that at any rate the doctrine of equality includes them, and that if they cannot get more rights . . . they shall not have less. This opinion has already been fatal to thousands, who, not contented with equal rights, have sought more till they lost all, and experienced in them-

selves the degrading inequality they endeavored to fix upon others."[11]

Once an inequality has been created, those who enjoy its advantages combine to establish the inequality by law. After it has been made a civil right, it becomes inheritable by posterity. But the advantage alone is not inherited. The detriment is bequeathed to the posterity of those who have been denied their equal rights.

Superiorities and inferiorities, established by human laws, in time create fixed castes and classes. After several generations these established classes disrupt society. Men, though created equals, are bred as animals of different species, reared to hate and despise each other. Man is aligned against man; class against class. A struggle for supremacy of class overshadows the natural struggle for human progress. "Inequality of rights has been the cause of all the disturbances, insurrections and civil wars that ever happened in any country, in any age of mankind."[12]

The class strife which had furrowed Continental Europe and irrigated its lands with the blood of human conflict, was avoided by this nation when it was dedicated to the proposition that "all men are created equal." Our nation's founders knew that true security could be found only in a classless society.

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Our ideal of equality accounts for the rapid rise of our nation. Though in practice the equality has been imperfect, the theory, held up to our citizens as an ideal, has given them the feeling of shareholders, not alone in the efforts, but also in the profits of our national development.

[11] Thomas Paine: "First Principles of Government."
[12] Thomas Paine: Essay on "Constitutional Reform." (1805)

The time is rapidly approaching when the theory must become the practice. Though the trend of human progress is inevitably toward equality, society has much to gain through a conscious effort to remove the inequalities from its institutions. Equality may be established by dragging all humanity down to the lowest level, or by raising the less fortunate so that all attain a higher standard. Inequalities may be removed by peaceful measures, or by violent rebellion. The choice lies with society.

"If the men of our time were led by attentive observation and by sincere reflection, to acknowledge that the gradual and progressive development of social equality is at once the past and future of their history, this solitary truth would confer the sacred character of a divine decree upon the change. To attempt to check democracy would be in that case to resist the will of God."[13]

[13] Alexis de Tocqueville: "Democracy in America," Vol. I.

## CHAPTER X

# THE EQUAL RIGHT TO LIFE

*". . . from that equal creation they derive rights, inherent and inalienable, among which are the preservation of life. . . ."*
JEFFERSON'S ORIGINAL DRAFT
OF THE DECLARATION.

EVERY man's creation is in itself the authority for his right to life. America's doctrine of "man's equal endowment by the Creator" gives to every American an equal right to life. Life, however, is not merely the momentary event of coming into being. It includes the preservation of that existence. Jefferson, in his original draft of the Declaration of Independence, made this clear. His original language expressed the "right to life" more properly as the right "of preservation of life."

The "right to life," properly understood as the equal right to preserve life, was named as the first of man's essential rights, because of its primary importance. In the Declaration of Independence, Jefferson was not expounding a partial philosophy applicable only to the immediate political crisis, but a complete philosophy which applied to every phase of human activity. The equal right to "liberty" would have been a sufficient political doctrine to justify independence. The rights to "life" and to "the pursuit of happiness" were intended to be economic and social doctrines to make our philosophy of equal human rights complete.

The principle of an "equal right to life" is destined to

become the cornerstone upon which, in time, will be erected an American system to end poverty, and produce true equality of opportunity, with abundance and security for all. Franklin D. Roosevelt commented on the "right to life," as follows: "The Declaration of Independence discusses the problem of government in terms of a contract. . . . The terms of the contract are as old as the Republic and as new as the new economic order. Every man has a right to life and this means that he has also a right to make a comfortable living. He may by sloth or crime decline to exercise that right, but it must not be denied him. Our government, formal and informal, political and economic, owes to every man an avenue to possess himself of sufficient for his needs through his own work."[1]

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Today, we are apt to accept existing customs and institutions without question. In doing so we also accept as unavoidable the poverty, pestilence, sorrow and crime which result from these man-made contrivances. Our forefathers were more inquisitive. They did not accept injustice on faith. They inquired how such violations of reason had sprung up to deprive man of his equal right to life.

Our American philosophers delved deeply into this fundamental right to preserve life. They considered life in its primitive state. They recognized that the right to life gave man a natural right to use the earth, the materials which composed it, all that nature caused to grow upon it, and the forces of nature, for the purpose of preserving life. They reflected upon the beginning of the institution of property, the economic systems for the production and distribution of the needs of life, and the customs of trade, commerce and

[1] Franklin D. Roosevelt: "Looking Forward."

finance. They observed in all these institutions glaring inequalities which produced misery and unhappiness, despite the overwhelming abundance of nature. They complained that "the rugged face of society, checkered with the extremes of affluence and want, proves that some extraordinary violence has been committed upon it, and calls on justice for redress."[2]

Property was the first institution of society to come under the scrutiny of our forefathers, for it is the foundation of all economic institutions. Without property there would be little incentive for man to do any more than live on the bounty of nature, like other animals. He would neither cultivate nor plan for his needs. The institution of property accounts for the existence of our complex economic systems for the production, distribution and ownership of the necessities of life. Things needed to preserve life must first be acquired. In primitive life they were taken directly from the natural earth. Then there existed a natural right to property, which arose from man's natural right to preserve that life which was his unsought estate.

Philosophers of all schools agree that, "Whether we consider natural reason, which tells us that men, being once born, have a right to their preservation, and consequently to meat and drink and such other things as Nature affords for their subsistence, or 'revelation,' which gives us an account of those grants God made of the world to Adam, and to Noah and his sons, it is very clear that God, as King David says (Psalm cxv. 16), 'has given the earth to the children of men,' given it to mankind in common."[3] Our American philosophers, by reasoning from nature, arrived at the similar conclusion that "the earth is given as a common stock for man to labor and live on."[4]

[2] Thomas Paine: Essay on "Agrarian Justice."
[3] John Locke: "True End of Government."
[4] Thomas Jefferson: Letter to Rev. James Madison, October 28, 1785.

In a primitive state, man maintained his existence as best he could against the elements, other animals and often against his fellowmen. However, his struggle for existence was imperiled only by natural obstacles. Neither laws, nor prohibitions of human contrivance, helped some and hindered others. He could kill and take. There were no laws of property. The entire world was his to use. His right of property was necessarily in common. There existed no semblance of organized society to protect individual rights. If one claimed property as his own, he had both to obtain it and protect it by might, rather than any theoretical right.

All agree that this natural right to property was not only in common, but equal. A belief in the common and equal natural right to property was a foundation principle of our revolutionary philosophers. Thomas Paine wrote: "It is a position not to be controverted that the earth, in its natural, uncultivated state was, and ever would have continued to be, the common property of the human race. In that state every man would have been a joint life proprietor with the rest in the property of the soil, and in all its natural productions, vegetable and animal."[5]

This belief in a common property in the earth had received such wide acceptance, following our Declaration of Independence, that it was cited as justification for a minor uprising which followed in the wake of the Revolution. Washington, referring to those who participated in Shay's Rebellion, says: "Their creed is, that the property of the United States has been protected from confiscation of Britain by the joint exertions of all; and therefore ought to be the common property of all."[6]

Human society has strayed a long way from the sound beginning that gave all men an equal natural right of prop-

[5] Thomas Paine: Essay on "Agrarian Justice."
[6] George Washington: Letter to James Madison, November 5, 1786.

erty in the earth and nature. Ownership of the earth is no longer in common, but cut up and scattered in irregular pieces of varied sizes and shapes, like shattered glass. Even the very forces of nature are claimed by some as their private property. Ownership is so unequal, and the shares allotted to some so great, they live without toil. Others have no share, and must toil unceasingly for those who own. The proprietorship is not for the natural term of human life, but a perpetual permanent proprietorship, extending on to infinity long after the original owner is scattered dust.

If man had title to the earth originally, it was equal and in common with all mankind. From this beginning our present elaborate system of private ownership has developed. To-day we accept this without question, despite the wide inequality of its distribution. Our American forefathers were not so prone to overlook these inequalities. They searched the institution of private property from its beginning, in an endeavor to discover its fallacies.

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The institution of private property began soon after man's social instincts drew him into society with his fellowmen. Primitive society was not always peaceful. At times food was difficult to obtain. Confronted by scarcity, the social tendencies broke down. The right of every man to life was not recognized. Men fought for possession. The stronger ate and lived; the weaker starved and died. Ability to possess and defend was the basis of the first rights of private property.

As man gained intelligence, disputes over property were settled more amicably. The bow or spear, made from natural materials, was recognized as belonging to the man who made it. The labor he added to part of the common fund of nature gave him ownership of the product. This theory of the basis

of private property was expressed by Locke: "Though the earth and all inferior creatures be common to all men, yet every man has a 'property' in his own 'person.' This nobody has any right to but himself. The 'labour' of his body and the 'work' of his hands, we may say, are properly his. Whatsoever, then, he removes out of the state that Nature hath provided and left it in, he hath mixed his labour with it, and joined to it something that is his own, and thereby makes it his property."[7]

Private property in land did not begin until after man passed beyond the early primitive stage. Blackstone claimed that "occupancy gave the original right to the permanent property in the substance of the earth itself."[8] But the more brilliant American thinker, Thomas Paine, wrote: "Man did not make the earth, and, though he had a natural right to occupy it, he had no right to locate as his property in perpetuity any part of it; neither did the Creator of the earth open a land-office, from whence the first title-deeds should issue."[9]

Paine gave a more probable theory for "the idea of landed property." He logically reasoned that when man ceased roving from place to place and settled down to cultivate the fertile valleys, land ownership began, and "that when cultivation began the idea of landed property began with it, from the impossibility of separating the improvement made by cultivation from the earth itself, upon which that improvement was made."[10]

Private property has not been acclaimed by all philosophers as a boon to mankind. Some consider that institution is the most vicious of human errors. Even its most ardent advocates admit it has proved to be a mixed blessing. Rousseau flew to the conclusion that all the evils and inequalities among

[7] John Locke: "True End of Government."
[8] Blackstone: "Commentaries on the Law."
[9] Thomas Paine: Essay on "Agrarian Justice."
[10] Thomas Paine: Essay on "Agrarian Justice."

mankind had their inception with the beginning of private property. He wrote, "The first man, who, after enclosing a piece of ground took it into his head to say, 'This is mine,' and found people simple enough to believe him, was the true founder of civil society. How many crimes, how many wars, how many murders, how many misfortunes and horrors, would that man have saved the human species, who pulling up the stakes or filling up the ditches should have cried to his fellows: 'Be sure not to listen to this impostor; you are lost, if you forget that the fruits of the earth belong equally to us all, and the earth itself to nobody.' "[11]

Our American philosophers thought well of Rousseau's theories, but did not accept his conclusions in their entirety. They were more accurate and careful thinkers than the romantic Rousseau. The thrifty and wise Benjamin Franklin agreed that "superfluous property is the creature of society." He saw no harm, however, in private property that was "merely necessary." Franklin wrote, "Simple and mild laws were sufficient to guard the property that was merely necessary. The savage's bow, his hatchet, and his coat of skins, were sufficiently secured, without law, by the fear of personal resentment and retaliation." He believed the fault lay, not with the institution of private property, but with the abuse of private property. He continued, "When, by virtue of the first laws, part of the society accumulated wealth and grew powerful, they enacted others more severe, and would protect their property at the expense of humanity. This was abusing their power, and commencing a tyranny."[12]

Abuse of the institution of private property has been the main source of all tyranny. Prior to the establishment of America, the chief purpose of government had been to per-

[11] Jean Jacques Rousseau: "Discourse upon the Origin and the Foundation of the Inequalities Among Mankind."

[12] Benjamin Franklin: Letter to Benjamin Vaughan, March 14, 1785.

petuate unequal property rights. Franklin recognized that a society, whose sole purpose was the protection of property, restrained the natural equal right to life, which man could enjoy without society. He concluded such society was worse than the uncivilized state of nature. "If a savage, before he entered into society, had been told,—'Your neighbour, by this means, may become owner of an hundred deer; but if your brother, or your son, or yourself, having no deer of your own, and being hungry, should kill one, an infamous death must be the consequence! he would probably have preferred his liberty, and his common right of killing any deer, to all the advantages of society that might be proposed to him."[13]

The right of property was respected by our American forefathers because it was necessary to civilized society. They abhorred the abuses embedded in that institution, and the inequalities which resulted. The abuses which they disclosed were not trivial errors of law, but fallacies in the basic principles of the institution of property.

The first of these fallacies lay in the usurpation of the earth and nature as private property. The prevailing theory was that when a man added his labor to part of the earth or nature, the entire result became his exclusive property. They agreed that every man's labor was his own; they pointed out, however, that the earth and the forces of nature, which were the equal property of all men, had contributed to the value of the result. Surely he owed some obligation to his fellowmen for part of that which he claimed as his own. Paine wrote, "It is the value of the improvement, only, and not the earth itself, that is individual property."[14]

[13] Benjamin Franklin: Letter to Benjamin Vaughan, March 14, 1785.
[14] Thomas Paine: Essay on "Agrarian Justice."

The next fallacy was that one man could accumulate property without limit, though by so doing he denied others their equal right to life.

Man's needs are both the authority and the limitation of his right to property. He requires sufficient to sustain and enjoy life for himself, and those dependent upon his labor, but his needs do not require him to accumulate the fruits of the earth without limit. Locke stated, "The same law of Nature that does by this means give us property, does also bound that property too. . . . As much as any one can make use of to any advantage of life before it spoils, so much he may by his labour fix a property in. Whatever is beyond this is more than his share, and belongs to others."[15]

When the right to life was entrusted to society, the natural limit to the amount of property which one man could take from nature was not removed. Each was still entitled to sufficient for his needs, but society could not grant him a license to encroach upon the rights of others. At first the excessive accumulation was of no consequence; there was ample left unappropriated in nature. Few were then so foolish as to burden themselves with possessions merely to satiate a mania for ownership. However, the error that had crept into the theory of private property was due to expand in time. As natural objects became less available, the excessive accumulation of property in the possession of unscrupulous individuals was perverted into power over the actions, thoughts, and lives of others.

Another fallacy which our American philosophers criticized was the perpetuation of these accumulations by inheritance. Huge fortunes, perpetuated through their posterity, as against the posterity of those whom they had robbed, denied all an equal right to life. They held, the authority for man's right to property is the necessity for preserving his life. Man's

[15] John Locke: "True End of Government."

needs begin with life and end with death; hence his right to property is thus limited to a "tenancy for life." Our belief in equality required each to be created with equal endowments, which ended with death.

Jefferson reasoned that the theory of perpetual property was a usurpation of the rights of the living. He wrote: "That the earth belongs in usufruct to the living; that the dead have neither powers nor rights over it. The portion occupied by any individual ceases to be his when himself ceases to be, and reverts to society."[16]

The only attempt to justify perpetual ownership had been on the theory of "divine grant," which gave the first occupant the right to continue his ownership forever.[17] This doctrine of perpetual property, handed down from generation to generation, was the economic counterpart of perpetual political control within a royal family. The "divine right of kings" was supported by the theory of "divine right of property." Together they have succeeded in denying the equal rights of life and liberty to many of the living and to the multitude of the unborn.

As a result of these fallacies, deeply imbedded in the institution of private property, land was occupied, natural objects and forces possessed, until everything was tagged by man, and labelled "private property." Transferred back and forth all trace of its unsound origin was lost, and finally forgotten.

When man increased in intelligence, and the functions of organized society also increased, the earth and all of nature had been usurped. Society had nothing with which to function. It was forced to beg by taxation, and obligate itself by debt to wealthy individuals, in order to exercise the rights and perform the duties, entrusted to it by the individuals who compose society. This position of society was not ap-

[16] Thomas Jefferson: Letter to James Madison, September 6, 1789.
[17] Blackstone: "Commentaries on the Law."

parent, while society remained under the private control and operation of a king. Since the establishment of the government of the United States, as a society in control of its own affairs, the position of an impoverished society has been inconsistent with the original theory that the earth and nature formed a common fund for all mankind.

The effort to protect private property has been the greatest impetus for law-making. Early law-makers were paid to effectuate the greed of their rulers. They built this greed into the laws of property, and ignored the laws of nature and the rights of humanity. Man's laws, like all the products of man, reflect the good and the bad, the kindness and the greed, the intelligence and the ignorance, the perfection and the imperfection of the maker. It is a sad commentary on our present laws that we still cling to many of these old laws as precedent.

Through the benefits of the laws of property, the individual gained security in the results of his labor. He could till the land, knowing the fruits would be his. But by these same laws others were denied their equal right to life, and a foundation was laid for inequalities and poverty in the midst of natural abundance. The entire body of civil law has grown from property law.

Property made necessary economic systems for the production and distribution of wealth, and formed the basis for our customs of trade and finance. These institutions, and our laws of property, are the means by which society regulates our "right to life."

At first, man exercised his right to life by his individual

efforts. Later, when he formed society, he cooperated with others to produce for their mutual needs. The result of their cooperative efforts was not in proportion to the number of workers, but many times as great. This presented the first question of the distribution of wealth.

Methods of distributing the product of their cooperative efforts became customs, which in time brought about established economic systems. These were not separate and complete systems, which began and ended abruptly; the transition was gradual. Customs of an existing system were slowly replaced with others, except when violent revolution accelerated the change. Each system reflected a constantly increasing trend toward a more social system.

The first basis for distribution was might, rather than right. The stronger forced the weaker to accord him a greater share, even though his efforts contributed the least to the result. In time, the element of might yielded to a question of right based upon the amount of labor contributed. This basis was the result of the theory that labor gave the basic right of property. Carried into economics, it created the theory that all value is created by human labor. This doctrine, however, ignores the contribution of nature, which is the equal endowment of all.

Throughout all the economic systems in vogue up to the time of our Revolution, the same fallacy was the basis for distribution. None made any provision for the right of society, as trustee for all, despite the fact that all the materials, and much of the forces, were drawn from the earth and nature, which is the common property of all mankind.[18]

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Slavery was one of the earliest economic systems. Those

[18] See: Essay of Thomas Paine on "Agrarian Justice" for a discussion of this American principle.

who were victorious in warfare enslaved their captives and assigned to them the most laborious tasks. The distribution of the products of slavery was simple. A bare existence was doled out to the slave; the surplus was retained by the master.

Slavery was the beginning of employment. It introduced diversity of occupation. The master planned and the slave labored. Production was so far increased beyond the results of individual effort, that life, even for the slave was rendered more secure. But the slave was denied his equal rights of life and liberty, was labelled a chattel, and transferred as property.

Natural forces applied a crude justice by occasionally reversing these inequalities. Generations of hard labor strengthened the slaves, while idleness and luxury enervated the masters. A revolution reversed their positions; the slave seized the whip, and the master became the slave.

The Feudal System was another economic system. Cultivation of the land brought about property rights in the earth. Those who claimed ownership set apart parcels of land for their slaves to work, and permitted them to retain a part of the harvest. The master became the lord of the land, and the slave his vassal. This system received its name from the word "feud," used to designate the stipend of land which the serf was permitted to cultivate.

The feudal system was an advance over plain slavery. It replaced haphazard tilling of the land with fixed agriculture. It increased production and made for a slightly fairer distribution of the product. The shackles were removed from the slave, and land became the bond that tied him to his master. As the serfs grew stronger, they forced more rights from the lords. The land was either leased, or conveyed directly

to the serf. He then became a freeman, and retained all the product except that part which he rendered to his lord as rent.

The benefits of the feudal system to civilization were few compared to the evils it retained. It concentrated the greed of centuries into a highly organized system. It was the means of supporting the king and the powerful lords. It drained the products of the farmers and workers into the coffers of a rich aristocracy, who lived in idleness and luxury. It established fixed classes extending through the entire gamut of society, from the highest to the lowest, and labelled each with a false title of superiority or a stigma of inferiority. It provided a tightly intermeshed military organization, bound together by property and oaths of allegiance, and was intended to be a permanent structure of economic, social and political inequalities, perpetuated through inheritance.

Samuel Adams described the operation of the feudal system in these words: "The King claimed an absolute right to, and a perfect estate in, all the lands within his dominions; but, how he came by this absolute right and perfect estate, is a mystery which we have never seen unravelled, nor is it our business or design, at present, to inquire. He granted parts or parcels of it to his friends, the great men, and they granted lesser parcels to their tenants."[19]

During the Middle Ages this economic system "spread over a great part of Europe; 'and, to serve the purposes of oppression and tyranny, was adopted by princes, and wrought into their civil constitutions'; and . . . it prevailed to the almost utter extinction of knowledge, virtue, religion, and liberty from that part of the earth."[20]

To the feudal system, the law of property owes much of

[19] Samuel Adams: Letter from the House of Representatives of Massachusetts to the Governor, March 2, 1773.

[20] Samuel Adams: Letter from the House of Representatives of Massachusetts to the Governor, March 2, 1773.

its development, and all of its faults. This system of land slavery became the basis of the property law of England, and, hence, the inherited legal system of property in America. The remnants of the feudal system, perpetuated by our laws, account for much of the existing economic inequality. It rooted into the law every violation of man's natural right to life. It permitted a few to accumulate unlimited property in the earth. Title to land was made perpetual, and its use and occupation was thereafter dictated from the grave. Property was perverted from its natural function of preservation and enjoyment of life into a scourge to enslave one's fellowmen and compel their minds and bodies to do the owner's bidding.

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The capitalistic system had its beginning with the first use of money. In early times man exchanged his products for those of his neighbor by barter. This bartering was the beginning of trade. Commodities, which were less plentiful or required greater effort to obtain, were considered to have greater value and exchanged for more. A medium of exchange was required to make up this difference in value, and to facilitate the trade. Money was introduced for this purpose.

At first clam-shells, arrowheads, furs and other articles of use, answered the purpose of money. Later, money was accepted as representing other commodities, rather than for its own utility. Coins of iron and other durable metals were accepted as tokens. As money became more generally used, convenience required a concentrated value. This led to the use of gold and silver. The coinage of money thus got into the hands of the goldsmiths. They not only worked these metals, but loaned and stored them for others. The receipts given for gold stored with the goldsmiths were conveniently used as money, and introduced the use of paper currency.

The goldsmiths were then in a very favorable position. They held a private control over money, currency and credit. By the simple fraud of issuing more receipts than the gold on hand, they created money to lend for their own profit, and became the moneylenders, or bankers. This abuse of trust established the custom by which bankers issue their own paper, as currency.

Money facilitated the exchange and distribution of all kinds of property. Accumulated money could be loaned at interest, or used to buy and rent land, or to hire labor. Thus, without laboring himself, a man could obtain a part of the production, in the same manner as the slave-master and the feudal lord. He was called a capitalist. As the use of money increased through the ages, the customs which grew around its use developed into a complete economic system, known as the capitalistic system.

Capitalism tended to break down slavery and feudalism. The scope of production was widened, and the trades and industries encouraged. Commodities were more readily bought and sold. Commercial centers became cities and grew up to replace farming communities.

Capitalism, by its stimulation of production, tended to create more equal economic conditions, but most of the inequalities of slavery and feudalism were retained. Capitalism borrowed from slavery the custom of exploiting the labor of others. Sometimes the wage was a fairer distribution of the product, but too often there was little difference between employment and slavery. As Jefferson said: "What matters it whether a landlord employ ten laborers on his farm, gives them annually as much money as will buy them the necessaries of life, or gives them those necessaries at short hand?"[21]

The abuses of feudal property law were continued under capitalism; only some of its military aspects were discarded,

[21] Thomas Jefferson: See Autobiography, January 6, 1821.

and these occasionally flare up even in the present time. To these abuses capitalism added the extraction of usury, or interest for the use of money, sharp bargaining, unfair contracts, and shrewd financing. The control over the right to life of the many was shifted from the slave-masters and the feudal lords to the capitalists.

The growth of capitalism began early in the history of man, but its development was not widespread over the civilized world until a century or so before the American Revolution. By that time it had not entirely replaced other systems, but was operating alongside of them. Even before then, seeds of newer economic changes had become planted in human institutions.

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Before the fall of the Roman Empire, men had learned to cooperate in ownership as well as in production. During the feudal period many religious institutions obtained large grants of land, which were owned by the group, not by any individual. These "corporations" allowed others to cultivate their lands in return for feudal services. By more efficient management, they encroached on the profits of individual lords. In this manner the corporate system readily overtook the feudal system, and advanced into the capitalistic system.

Laws were passed to prevent the continued growth of these corporations, but they failed to stop this cooperative force. In time, corporations forced recognition from the governments, and were granted special privileges, by way of franchises and charters. In return, the governments obtained rights of control and taxation. In this way, tendencies toward a corporate system and later economic control by government were introduced.

Capitalistic practices fitted well into corporate ownership. Large cooperatively owned ventures were launched through money subscribed by many small contributors. These purely business corporations were particularly successful where the equipment, tools or machinery required, were more costly than any one man could readily purchase. Shipping and foreign trade were especially encouraged by this new form of cooperative enterprise. In this way, international commerce was extended, and the seed sown for world-wide economic relationship in the distant future.

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Man has progressed a long way since primitive times, when he provided for all his own needs. From the beginning of society he entrusted to it the preservation of his life. Society's institutions of property, economic systems, and customs of trade and finance were substituted for his natural right to life. By entrusting his right to society, his right did not become less. All should have gained by sharing in the accumulations and benefits of society, but our laws and customs failed to distribute these advantages in the same proportion as our rights.

The right to life, like all other rights, is coupled with a duty to accord to all others an equal right to life. When man cast his lot with the society of his fellowmen, both the right and the duty were entrusted to society's keeping. By agreeing to act as trustee of man's right to life, society became obligated to the duty of providing for the preservation and enjoyment of his life. The natural duty, assumed by society, became the authority for society to compel each individual to perform his fair share of the tasks required to make life secure and happy.

The right to life, and the duty which accompanies it, by reason of man's equal creation, are equal. Entrusted to society, they become civil rights and civil duties, but the share of the individual remains the same, equal; "each member is entitled to an equal share of all the social rights."[22]

[22] Samuel Adams: Address to the Legislature of Massachusetts, January 17, 1794.

## CHAPTER XI

# THE EQUAL RIGHT TO LIBERTY

*"May this great monument, raised to Liberty, serve as a lesson to the oppressor, and an example to the oppressed."*

M. DE LAFAYETTE.[1]

LIBERTY defies definition. Those who are oppressed plead for liberty from oppression; the oppressors plead liberty to justify oppression. Those Americans who must accept a pittance for laboring under conditions more shameful than slavery, or succumb to the alternative of unemployment and starvation, claim they have lost their liberty. Those who gain through these conditions, wield the word "liberty" as a weapon in defense of their actions. Efforts to relieve these conditions by legislation are labelled "restraints on individual liberty."

What is wrong? Is it that liberty is a chameleon appearing in all colors to all men, or have we failed to define the word? The answer is neither. American liberty has been defined, but some refuse to accept its terms. American liberty is equal liberty. Those who gain by inequality prefer license, though they call it liberty. "The enemies of liberty are artful and insidious. A counterfeit steals her dress, imitates her manner, forges her signature, assumes her name. But the real name of the deceiver is licentiousness."[2]

[1] Lafayette paid this tribute to America, in Congress, just before his departure.
[2] James Wilson: Oration at Philadelphia, July 4, 1788.

When history repeats, the actors and the stage are not the same, but the principles which apply to the situation are the same. Lincoln saw a race enslaved that a few might idle. Liberty had been brought to the foreground of political thought. By the usual perverseness of circumstances the banner of liberty had been raised by its opponents. As an American, he was shocked that principles could be so perverted. Intuitively he knew it was wrong. His inherent Americanism helped him sense the correct philosophy and unmask the fraud. "The world has never had a good definition of the word liberty, and the American people, just now, are much in want of one. We all declare for liberty; but in using the same word we do not all mean the same thing. With some the word liberty may mean for each man to do as he pleases with himself, and the product of his labor; while with others the same word may mean for some men to do as they please with other men, and the product of other men's labor. Here are two, not only different, but incompatible things, called by the same name, liberty. And it follows that each of the things is, by the respective parties, called by two different and incompatible names—liberty and tyranny.

"The shepherd drives the wolf from the sheep's throat, for which the sheep thanks the shepherd as his liberator, while the wolf denounces him for the same act, as the destroyer of liberty, especially as the sheep was a black one. Plainly, the sheep and the wolf are not agreed upon a definition of the word liberty; and precisely the same difference prevails today among us human creatures, even in the North, and all professing to love liberty. Hence we behold the process by which thousands are daily passing from under the yoke of bondage hailed by some as the advance of liberty, and bewailed by others as the destruction of all liberty."[3]

A "good definition of the word liberty" has again become a

[3] Address by Abraham Lincoln at Sanitary Fair in Baltimore, April 18, 1864.

necessity for the same reason that "the American people just now are much in want of one."

Liberty is a natural right. It does not depend upon human law for its authority. Man by nature desires to be free from restraint. But man by nature also desires the security and companionship of society, and society requires some restraint on unbridled individual action. Somewhere between these apparently conflicting human characteristics lies the correct definition of liberty.

Because of this apparent conflict, philosophers speak of two kinds of liberty, natural liberty and civil liberty. Locke defined these liberties as follows: "The natural liberty of man is to be free from any superior power on earth, and not to be under the will or legislative authority of man, but to have only the law of Nature for his rule. The liberty of man in society is to be under no other legislative power but that established by consent in the commonwealth, nor under the dominion of any will, or restraint of any law, but what that legislative shall enact according to the trust put in it."[4]

Natural liberty is the right to act without restraint or control, except by the laws of nature. These laws are self-enforcing, and have their own ways of restraining over-indulgence, even in liberty. Man in his primitive status could be said to have enjoyed natural liberty. He was unrestrained by law or conventions, but his liberty was far from perfection. He was free to kill, but others were free to kill him. Though unhampered by laws, he was hounded by fears. If we think of liberty as "Live and let live," the freedom that primitive man enjoyed was "kill and be killed." While nothing hindered the free play of his savage emotions, no organized society fur-

[4] John Locke: "True End of Government," Chapter IV, Par. 21.

nished him immunity from encroachment by others. This liberty was described by Governor Winthrop as: "Common to men with beasts and other creatures. By this, man, as he stands in relation to man simply, hath liberty to do what he lists; it is a liberty to evil as well as to good."[5]

In primitive times, liberty may have been the privilege of the powerful, but terror enslaved the weak. Though primitive man has been said to have possessed equal rights, there was no one but himself to enforce them. Equal enjoyment of rights was defeated by inequalities of strength and cunning. He did what he could, not what he wished. Liberty in a natural state had but a single advantage over that which we enjoy today. No one held any license, or legal advantage, to which all others were compelled to submit by the strong arm of society.

Civil liberty is that which we enjoy under society. George Washington, in submitting the Constitution to Congress, said: "Individuals entering into society must give up a share of liberty to preserve the rest. The magnitude of the sacrifice must depend as well on situation and circumstances as on the object to be obtained. It is at all times difficult to draw with precision the line between those rights which must be surrendered and those which may be reserved."[6] The "share of liberty" which we "give up" is not, however, a "sacrifice," but a trust. Our natural rights are inalienable; "the idea is quite unfounded, that on entering into society we give up any natural right."[7] The liberty which we entrust to society becomes the foundation of our civil liberty.

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Upon entering into society man does not entrust to it all his

[5] Governor John Winthrop: "History of New England from 1630-1649."
[6] Life and Works of George Washington, Federalist Edition, Vol. II, page 200.
[7] Thomas Jefferson: Letter to Francis W. Gilmer, June 7, 1816.

natural liberties. Such complete surrender of individuality is unwarranted. His most cherished liberties are retained, for the obvious reason that as an individual he can exercise them to better advantage than can society for him. The liberties which are not entrusted to society can neither be denied nor restrained. They pertain so intimately to the individual that nothing but harm has ever resulted from restraints placed upon them. Unbridled and abusive exercise of these liberties is better endured than the slightest restraint placed upon every exercise of the liberty. When liberty is used to adversely affect one's fellowmen, the restraint should be placed upon the abuse, not upon the liberty.

The most important of our retained liberties is the right of thought, which includes the right to form opinions and to express them. This liberty appears in many forms; it includes speech, the press, and all other means of communicating our thoughts and sentiments to others. The right of belief and disbelief upon all subjects, including religion and philosophy, is man's most sacred liberty. The enjoyment of natural emotion and expression of them is one of our retained liberties, as well as part of our right to the pursuit of happiness. These liberties remain within the sovereign jurisdiction of the individual. Upon them depend the security and progress of mankind. It has been well said that: " 'The right to think, to know, and to utter,' is the dearest of all liberties";[8] that "the liberty of speaking and writing guards our other liberty";[9] and finally that, "when men yield up the privilege of thinking, the last shadow of liberty quits the horizon."[10]

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The liberties which the individual entrusts to society are not

[8] John Milton.
[9] Thomas Jefferson: Address (1808).
[10] Thomas Paine: Essay "Reflections on Titles," May, 1775.

lost. Their enjoyment need not be decreased merely because he has accorded to society a reasonable restraint upon them. They are not "surrendered" to society, but entrusted upon a specific trust to a society of his own making. They are more secure and can be exercised to the individual's greater advantage by society.

The first limitation, by which the individual guards his liberty in society, is to insist upon an equal voice in that society. He demands that those, who impose restraints upon his liberty, be empowered by him; his liberty is restrained only with his consent. This is the liberty which we call political liberty.

The immediate conflict which brought forward our immortal philosophy was for political liberty. The affairs of our society were not controlled by us. They were regulated by a remote Parliament, in which we had no representation and a foreign king over whom we had no control. It, therefore, "became necessary" for us to assert our independence, and "to assume among the powers of the earth the separate and equal station, to which the laws of nature and of nature's God" entitled us.

It is fortunate for the definition of liberty that our forefathers did not seize upon the opportunity to use the Declaration as a proud boast of superiority, but stated merely their exact right to an "equal station." This should be an example to all Americans, as well as to all others, who insist that by some "divine right," they are entitled to a superior station in life.

The immediate object to attain an "equal station" among nations was achieved as a result of the Revolutionary War. The task of according political equality to all was then begun by constructing our government upon the principles of democracy.

Political liberty is the essence of democracy. It is the right of the individual to an equal voice in the affairs of that part

of civilized society in which he lives. In a society without political equality some portion of its members are forced to subject their natural rights to the will of others. To the extent this is done without their consent, it is a species of servitude, the ultimate of which is dictatorship.

The proposal to turn government over to a dictator sticks its ugly head into the theatre of public events in periods when the mental and moral forces of the community are at their lowest ebb. The clamor heard in recent years was not the first time such a proposal was made in this country. Jefferson tells of an incident which occurred in Virginia during the first year of our national existence: "In December 1776, our circumstances being much distressed, it was proposed in the house of delegates to create a dictator, invested with every power, legislative, executive, and judiciary, civil and military, of life and of death, over our persons and over our properties; and in June 1781, again under calamity, the same proposition was repeated, and wanted a few votes only of being passed. . . . The very thought alone was treason against the people; was treason against mankind in general."[11]

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The other limitation, which the individual places upon society, is that the restraints upon the liberty of each be equal. If liberty is considered merely as the right to do as one pleases, irrespective of consequences, it would be a two-sided coin. Those on top might enjoy liberty; but those on the bottom would obtain none. In civilized society, for liberty to be secure, it must be equal.

The relationship of society to our individual liberties can be better understood if we picture primitive men convening and forming society, as a means of mutual protection. This

[11] Thomas Jefferson: "Notes on Virginia."

is precisely what happened, but the convention was not by formal invitation. It occurred naturally over a period of ages, impelled by man's instincts of cooperation and self-preservation. It is safe to conclude that the logical first agreement of these primitive men would be to restrict their own actions, equally. Freed from fear of each other, their enjoyment of liberty would be increased, not diminished. No part of nature is lost by permitting others to enjoy it. Our own enjoyment merely becomes more secure. "He will gain more by the limitation of other men's freedom, than he can lose by the diminution of his own. He will gain more by the enlarged and undisturbed exercise of his natural liberty in innumerable instances, than he can lose by the restriction of it in a few."[12]

Liberty in society has been defined as "the power to do everything that does not interfere with the rights of others; thus, the exercise of the natural rights of every individual has no limits save those that assure to other members of society the enjoyment of the same rights."[13] The right of liberty is thus inseparably intertwined with equality. The restraints of society upon liberty will always be decried by some as a loss of liberty, but, "Any burden which falls equally on all men and from which every man is to receive an equal benefit, is consistent with the most perfect ideas of liberty."[14]

Equality is not the loss of liberty, but the sharing of its blessings. In society the one cannot exist without the other. Those who say equality and liberty are incompatible are not advocating liberty, but license. These can be easily distinguished. Liberty is equality, while license is inequality enforced by law. Some misinformed politicians insist that liberty and equality are inconsistent, that we cannot have both under one government. No statement could be more false. The opposite

[12] James Wilson: "Of the Natural Rights of Individuals."
[13] Thomas Paine: "Plan of a Declaration." (1794)
[14] Thomas Paine: "The American Crisis."

is the truth; there can be no semblance of liberty in society without equality. Any governmental device that chains its people together, granting privileges to some and imposing penalties on others, so that a few may be at liberty to oppress the many, is tyranny in its vilest form. When, by compulsion of government, an individual is forced to submit to inequalities, he would be happier with no government at all. Without government he would at least be at liberty to resist the injustice.

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Liberty is so often misused, it is necessary to define what liberty is not. Some see in liberty what they wish. Liberty, thus misinterpreted, may be used to cover a multitude of self-interests. Those, who would perpetuate vicious inequalities of wealth, distort liberty to mean their right to accumulate unlimited wealth. The rights of liberty and of property are not the same, but the opposite. Natural liberty is freedom from restraint or control of society. Accumulation of property requires for its existence the protection of society. Such property rights are maintained only by society restraining man's natural inclination to possess that which he desires.

Since man has certain needs to sustain life, nature created in him natural desires. Hunger, thirst, and other appetites impel him to seek these necessities and possess them. The earth is an abundant supply for all these requirements. In primitive times, man possessed as he pleased. This natural inclination to possess is not the right to property which society now protects. Primitive man possessed what he wanted, whether the object of his desire was hanging from a tree or already in the possession of another. It was this natural tendency to possess even that which another possessed which required the restraints we call rights of property. Hence, our right of prop-

erty is not liberty, but a restraint imposed by society on man's natural liberty to possess.

Civil liberty, such as we have in society, might be construed to include the right of property, if we consider property as an attempt on the part of society to equalize the natural right of possession, in favor of the weak against the strong. If we adopt this position we must also adopt the limitation of equality, by which all restraints of society must be measured. The privilege of accumulating unlimited property, and having it protected by society, is neither a natural nor a civil liberty.

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Another cry of false liberty, raised against the advance of society, is the demand for "liberty of contract." The same reasons, which deny that unlimited accumulation of property is a liberty, apply equally to the fallacy of liberty of contract. Obviously those who raise this cry do not refer to the natural tendency of men to make and break promises as they choose. They refer to the privilege of having the laws of society enforce these promises, when it is to their advantage.

Since the privilege of contract is a creature of society, it is subject to the limitations and restraints society places upon it. A man may promise another the moon; this is frequently done; yet society will not compel it. Society has seen fit to look behind the contract to the circumstances which produced it. Force, fraud and duress have been debarred. Society may look further in the future. The force of poverty, the fraud of designing shrewdness, and the duress of dire necessity may be held to vitiate contracts.

The Supreme Court of the United States both defined liberty and exploded this false cry of liberty, when it said, "We have repeatedly said that liberty of contract is a qualified and not an absolute right. 'There is no absolute freedom to do

as one chooses. Liberty implies the absence of arbitrary restraint, not immunity from reasonable regulations and prohibitions imposed in the interests of the community.' "[15]

Liberty is no exception to the rule that every right has its counterpart in a duty. The duty which accompanies liberty is simply to accord to others an equal right to liberty. This simple principle may prove difficult to many. Indulgence in over-ripe prosperity has intoxicated some with a false superiority, until they are like the Greeks and Romans just before the crash of their civilizations. "The Grecians and Romans were strongly possessed of the spirit of liberty but not the principle, for at the time that they were determined not to be slaves themselves, they employed their power to enslave the rest of mankind."[16]

If liberty is dear to Americans, it should be guarded and cherished as life itself. But guarding liberty is not accomplished merely by acquiring it. When Patrick Henry cried, "Give me liberty or give me death," he was not speaking selfishly, as are many of the modern counterfeits. If Americans would make their liberty secure, they must heed the formula: "He that would make his own liberty secure, must guard even his enemy from oppression, for if he violates this duty he establishes a precedent which will reach himself."[17] Those, who insist that "American Liberty" condones their exploitation of their fellowmen, will do well to heed that warning, before they are confronted by the more vivid one; "If you put a

[15] Opinion of Chief Justice Hughes in the New York Minimum Wage Law Case (1936), citing "Chicago, Burlington and Quincy R.R. Co. vs. McGuire, 219 U.S. 549.

[16] Thomas Paine: "The American Crisis."

[17] Thomas Paine: "The American Crisis."

chain around the neck of a slave the other end fastens itself around your own."[18]

Both the right of liberty, and the duty to accord liberty, depend, as do all our rights and duties, upon the simple principle of equality.

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American liberty has been defined. It is not "the right to liberty" alone but "the EQUAL right to liberty." This true definition should be impressed in the hearts and minds of all who cherish liberty. If American liberty is properly understood, it can never be twisted into a tool for committing tyrannies in this country, which George Washington christened, "the land of equal liberty."[19]

[18] Ralph Waldo Emerson.

[19] George Washington: Address to the Members of the New Church in Baltimore, January 17, 1793.

## CHAPTER XII

# THE PURSUIT OF HAPPINESS

*"The aggregate happiness of society . . . is, or ought to be, the end of all government."*

GEORGE WASHINGTON.[1]

WHAT is the goal of human life? John Adams answered, "All divines and moral philosophers will agree that happiness of the individual is the end of man."[2]

Whether or not happiness is the ultimate goal of life, it is nevertheless worth striving to achieve. A happy life is its own reward. Unlike most trophies, it is not conferred as a single award at the end of the race, but as a constant recompense from time to time and at all times. Man is urged by nature to contend for this prize. This most desirable of rewards is fairly bestowed. It cannot be purchased with money, or procured by fraud. Happiness must be won fairly in the truest sense of sportsmanship, since it is not gained by denying it to others.

The pursuit of happiness is a right bestowed solely upon the individual. It is the mind of the individual which receives the sensations of pain and pleasure which destroy or create that state of being we call happiness. It is a reaction only of the living creature. Society as a whole has neither brains nor nerves, hence cannot perceive sensations. Though society may by its advantages greatly increase the individual's enjoyment,

[1] George Washington: Letter to Count de Monstier, November 1, 1790.
[2] John Adams: Letter to George Wythe, January, 1776.

the right to pursue happiness is never completely entrusted to society, but remains the inalienable natural right of the individual.

Like the other natural rights of man, the right to pursue happiness is accompanied by the duty to accord an equal right to others. With happiness, the right and the duty are so ideally intertwined that the enjoyment of the right is increased by the performance of the duty. Happiness is gained, not lost in the sharing.

While it is the individual who enjoys happiness, the stimulus that excites his happiness may be the happiness of another. Man is not insensible to the condition of his fellowmen. His concern for others is an ever present source of happiness or sorrow, which may play a role as important as his own physical well being or sensations. Man's instinctive sense of the dependency of all humanity upon each other gives him a natural sympathy for his fellowmen.

There are some whose senses are so dull they are unaffected by the condition of others, and some so perverse they gloat over another's pain and envy another's pleasure. Normal humanity, however, feel the sensations of others almost as vividly as though it touched themselves. If we would have happiness we must share its blessings. The happiness of one depends upon the happiness of all. Fortunately the fund of happiness is more than unlimited, since that which is given away increases the supply.

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In his pursuit of happiness, the individual is the supreme sovereign. He must decide for himself how and where he shall find happiness. No one can say for another, "You will enjoy this," or what is worse, "You must enjoy that." Nature has

built each man with careful dissimilarity. Though each equally has needs and desires, yet for the satisfaction of them, nature has been required to provide a vast variety.

This dissimilarity of desires accounts for the different aptitudes in men. There is always someone who finds sincere happiness and joy in the accomplishment of each necessary task of life. By natural coincidence man enjoys doing that for which he is best fitted. That which most attracts a man's curiosity incites his interest and study. Man naturally is both most successful and happiest when his vocation is also his avocation. It is, therefore, most essential both to the happiness of the individual and the welfare of society that he be permitted to choose the manner in which he shall serve society. Our courts have said: "The right to follow any of the common occupations of life is an inalienable right. It was formulated as such under the phrase 'pursuit of happiness' in the Declaration of Independence."[3]

Jefferson wisely wrote, not of the right to "happiness," but of the right to the "pursuit of happiness." Happiness is the goal, but the enjoyment is in the chase, not at the end of the race. It is not enough that man be able to select how he shall serve society, but he must also determine what society he shall serve, and where. Jefferson wrote of man's natural rights: "We do not claim these under the charters of kings or legislators, but under the King of kings. If he has made it a law in the nature of man to pursue his own happiness, he has left him free in the choice of place as well as mode, and we may safely call on the whole body of English jurists to produce the map on which Nature has traced, for each individual, the geographical line which she forbids him to cross in pursuit of happiness."[4] In this manner Jefferson voiced the right of man

[3] Justice Bradley: Butchers' Union Co. vs. Crescent City Co., 111 U.S. 746.
[4] Thomas Jefferson: Letter to Dr. John Manners, June 12, 1817.

to pursue happiness over the entire face of the earth, choosing not only his vocation, but his nationality.

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It is impossible to consider happiness without thinking of the many substitutes which some men worship as idols in its place. Foremost among these is wealth. As a means with which to obtain the essentials of life and be secure against want, money and property can aid the pursuit of happiness, but as ends in themselves, they are cheats that defraud all who trust them, of the real wealth of life.

Ignorant men, whose mental development stops at the acquisitive stage characteristic of childhood, often spend their lives pursuing wealth. The childish desire to fill one's pockets with whatnots is an innocent pastime for a boy, but carried into manhood, the habit infringes on the rights of others, and destroys the happiness of many.

Another apparently harmless substitute for happiness is the desire to wear false titles of honor and superiority. The harm lies in the stigma which rebounds upon the rest of society. America wisely placed this temptation partly beyond the reach of its citizens by outlawing titles of nobility. During the Constitutional Convention, the question of ornamenting the President with a title was seriously debated. The proposed title was "His Highness, the President of the United States and Protector of their Liberties." In Madison's opinion, "Had the project succeeded, it would have subjected the President to a severe dilemma, and given a deep wound to our infant government." A truly democratic example was established by designating the man chosen for America's highest office merely as "Mr. President."[5]

The opportunity to purchase honors is still plentiful and

[5] James Madison: Letter to Thomas Jefferson, March 23, 1789.

the fraud flourishes under many different forms, especially in the arts, sciences and even in government. This is not as harmless as it appears, for the recipient of stolen honors not only denies happiness to the rightful owner, but degrades the office and position of those who attain it through merit.

Another, and the most vicious substitute for happiness, is the pursuit of power, not power to do good, but power to satiate a desire to dictate the thoughts, acts and very lives of others. This perversion of life's purpose haunts the morbid, unhappy mind, which, discontented with its own lot, insists upon reflecting its torments upon the minds of others. Such are those who delight at the magnitude of their authority over those forced to toil for them; the writers who would throw the world into despair by their morose philosophies; conquerors who would ride to glory over the bodies of the victims of war, and dictators who envision themselves as the personification of all society. A happy man is content with pursuing his own happiness. If he seeks power, it is to enable him to allot happiness more equally, not to dominate and destroy the lives of others.

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Society was not produced by fear, but by man's instinctive desire for happiness. Life afforded pleasure even to primitive man. Gratification of his senses and desires pleased him, otherwise he would not have feared the loss of life or struggled to prolong it. The companionship of others added to his enjoyment of life. Man expected society to increase his happiness, but his expectations were not always fulfilled. At times the attempt of human society to regulate the life of its members has caused philosophers to question its benefit. "Whether that state which is proudly, perhaps erroneously, called civilization, has most promoted or most injured the general happiness of

man, is a question that may be strongly contested. On one side, the spectator is dazzled by splendid appearances; on the other, he is shocked by extremes of wretchedness; both of which it has erected. The most affluent and the most miserable of the human race are to be found in the countries that are called civilized."[6]

The instincts that led men into society did not lead him astray, but the abuse of society and the usurpation of its advantages by a few, account for the failure to produce better results. If one culprit had to be singled out as the source of most of the unhappiness in society, it would be "Inequality of Rights." In fairness to society it must be admitted that its task is not yet complete. Its great purpose is to establish equality. Our happiness has been increasing, while the abuses of society have been decreasing.

As inequality is the source of unhappiness, equality is the greatest source of happiness. Equality even though accompanied by a low standard of living is more to be desired than vivid contrasts of riches and poverty. Our American founders prided themselves upon the humble equality that existed in their time. "The state of equality, which, as yet, subsists among us, and ought forever to be preserved, is a principle source both of our happiness, and of the preservation of our liberties."[7]

The American promise of an equal right to happiness is the broadest possible guarantee of equality, accompanied by higher standards of living. Both can be attained, if the efforts of society are directed toward that goal.

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The thirst for happiness which drew men together into

[6] Thomas Paine: Essay on "Agrarian Justice." (1797)
[7] Essay signed "Salus Populi," addressed to "The Freemen of the Province of Pennsylvania," "American Archives" (Force), 4th Series, Vol. IV.

society did not cause them to set up governments. Though society was impelled by man's desire for happiness, government was created as a result of his fears. In moments of danger the weaker ones in society naturally turned to the stronger for protection. This tendency was observed by those who were shrewd as well as strong. Men, who would not submit to the will of others, would submit to their own fears. By taking advantage of these fears in times of distress, the stronger gained power. Then realizing the certainty of their own weakness through age, they sought to perpetuate their position through government. John Adams observed: "Fear is the foundation of most Governments; but it is so sordid and brutal a passion, and renders men in whose breasts it predominates so stupid and miserable, that Americans will not be likely to approve of any political institution which is founded on it."[8]

Governments produced by fear are naturally ruled by fear. Instead of decreasing fear they add to the terrors which man would have without government. More than one philosopher has expressed the belief that natural society was preferable to a government of fear. Jefferson wrote to a friend: "I am convinced that those societies (as the Indians) which live without government, enjoy in their general mass a greater degree of happiness than those who live under the European governments."[9]

American government was founded upon the laws of nature, hence it was patterned upon the natural institution of society, rather than the fear-created institution of government. Our Revolutionary fathers sought to found a government in which the dominant instinct was to be happiness, not fear. They prided themselves that happiness was a goal for which they were fighting. Samuel Adams wrote to Paul Revere, "We are

[8] John Adams: Letter to George Wythe (Va.), January, 1776.
[9] Thomas Jefferson: Letter to Carrington, January 16, 1787.

contending, not for Glory, but for Liberty, Safety and Happiness of our Country."[10] Another time he wrote: "Our Intelligence from Europe is very flattering to us. The virtuous and sensible there universally wish well to our Cause. They say we are fighting for the Liberty and Happiness of Mankind. We are at least, contending for the Liberty & Happiness of our own Country and Posterity. It is a glorious Contest."[11]

In considering the goal toward which this government was to direct its efforts, John Adams gave this formula: "We ought to consider what is the end of Government before we determine what is the best form. Upon this point all speculative politicians will agree, that happiness of society is the end of Government, as all divines and moral philosophers will agree that the happiness of the individual is the end of man. From this principle it will follow that the form of government which communicates ease, comfort, security, or, in one word, happiness to the greatest number of persons, and in the greatest degree, is the best."[12]

The Declaration of Independence in designating, "the pursuit of Happiness" as one of man's natural rights, made the happiness of the citizen an essential duty of government. Never in any official state document had this right been given such importance. It proclaimed both a new principle of government and a new philosophy of life. "Let us ransack the records of history; in all our researches, how few fair instances shall we be able to find, in which a government has been formed, whose end has been the happiness of those, for whom it was designed!"[13]

With the Declaration of Independence, our government engaged upon the task of adding to the happiness of its citi-

[10] Samuel Adams: Letter to Paul Revere, July 28, 1777.
[11] Samuel Adams: Letter to John Langdon (member of the Continental Congress), August 7, 1777.
[12] John Adams: Letter to George Wythe, January, 1776.
[13] James Wilson: Essay "Of Government."

zens. This placed upon government a tremendous obligation which requires the powers of government to be broadly construed in order that it might meet this obligation. The penalty for failure is the termination of government, for the happiness of the American people is more sacred than its Constitution. Those who participated in drafting the Constitution conceded the "right of the people to alter or abolish the established Constitution whenever they find it inconsistent with their happiness."[14]

[14] Alexander Hamilton: "The Federalist Papers," No. 78.

CHAPTER XIII

# SOURCE OF GOVERNMENT

*". . . the foundation of authority is laid in the free consent of the people."*

REV. THOMAS HOOKER.[1]

THE natural instincts of man tend to draw him toward his fellowmen. Society gratifies this urge for companionship. If nothing else were gained but the association afforded through society, this would be sufficient to justify that institution and explain its beginning. Other advantages, however, flow from this association of man with man. His capacity to satisfy his wants is greatly increased through cooperation. By uniting for their mutual self-preservation, each gains greater security, while the companionship of his fellowmen adds to his happiness. These reasons, together with the natural social tendencies, more highly developed in man than in other animals, caused him to form society.

The natural forces which produced society do not account for the institution of government. Society and government were not the same, nor did they arise from the same causes. Men could congregate, enjoy human companionship, gain the added security and the increased satisfaction of their wants through society, without government. Society is a natural institution and is found in a lesser degree even among animals. Government is exclusively a human institution, although it developed naturally from society, it was the invention of man.

[1] Rev. Thomas Hooker, a Congregationalist minister, at Hartford, Conn., May 31, 1638.

Because the formation of society lay the foundation for government, the two are frequently confused. Paine distinguished between society and government as follows: "Some writers have so confounded society with government, as to leave little or no distinction between them; whereas they are not only different, but have different origins. Society is produced by our wants and government by our wickedness; the former promotes our happiness positively by uniting our affections, the latter negatively by restraining our vices. The one encourages intercourse, the other creates distinctions. The first is a patron, the last a punisher."[2]

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Government was instituted before history began to record the activities of man. It is not possible therefore to describe with authority its beginning, but, it is not difficult to contemplate how government could and probably did arise. Government, like many of the institutions of civilization, was produced by an abuse of society. It began as an inequality, with the denial of the equal rights of others. James Wilson, in reviewing the origin of European governments, observed, "In the whole annals of the Transatlantic world, it will be difficult to point out a single instance of its legitimate institution."[3]

Through the cooperative forces of society, man was better able to produce for his wants. The additional rewards were the products of cooperation and belonged to society. If man had been as intelligent as he was strong, this surplus would have remained a social fund with which to secure all in times of want. But individual greed determined the division of the spoils. The mightiest claimed the most and got it. The weak were given only enough for their immediate needs. This much

[2] Thomas Paine: "Common Sense."
[3] James Wilson: Essay "Of Government."

they might have obtained without society. The surplus above their immediate requirements became the property of the strongest, and the added wealth made him powerful beyond his strength. This excess, stolen from society, was the treasury of the first government, and the strongest was the first governor. His rule continued even after age had robbed him of his strength, for obedience which could not be obtained by force could still be purchased. Laws, prohibitions, and threats of death protected this treasury and maintained his supremacy. In this manner an abuse of society gave rise to government, and the theft of society's wealth provided a treasury to support it.

The precedent established by this method of usurping the advantages of society still persists. The fruits of cooperation are so far beyond the needs of those who produce them, a surplus remains after providing for mere necessities. As this surplus is not required for immediate needs, it is less diligently guarded and more easily stolen.

The first source of government was force. Might dictated what was lawful and right, but physical force had its competitor in shrewdness and cunning. Man's early attempts to reason resulted in superstitions. Natural events were attributed to supernatural agencies, and some claimed the ability to command them. Magic, priestcraft and witchery gave prominence and power that enabled some to grasp the reins of government. Usually their skill was so uncertain and their accomplishments so infrequent that they had to be content with the secondary position of chief advisor to the man of might. The taboos and prohibitions conjured up by these "wise men" provided the laws to support such government. Ignorance and fear formed a natural support to government by force.

The same laws which provided for the inheritance of wealth provided also for the inheritance of power. Government that had its source in might continued through inheritance after the strength had gone. "To the evil of monarchy we have

added that of hereditary succession; and as the first is a degradation and lessening of ourselves, so the second, claimed as a matter of right, is an insult and imposition on posterity. For all men begin originally equals, no one by birth could have a right to set up his own family in perpetual preference to all others for ever, and though himself might deserve some decent degree of honors of his contemporaries, yet his descendants might be far too unworthy to inherit them."[4]

No doubt there were times when the natural heritage of physical and mental qualities provided a suitable successor, but there were as many times when the process was reversed. "One of the strongest natural proofs of the folly of hereditary right in kings, is that nature disapproves it, otherwise she would not so frequently turn it into ridicule, by giving mankind an ass for a lion."[5]

After a nation had suffered under misrule, relief would come through revolution and a new line of succession. When inheritance became the accepted source of government, force, which was its original source, was labelled "usurpation."

To justify monarchy, paid philosophers produced volumes of quibbling logic to prove the "right" of their kings and princes to absolute authority over the people. They started with the premise that "men are not naturally free"; that "they are born in subjection." From this low opinion of man they would argue that "the assignment of civil power is by divine institution"; that "by the appointment of God, as soon as Adam was created he was monarch of the world," that "the kings were the rightful heirs of Adam in a direct line of descent." To be consistent with the Scriptures, the line of

[4] Thomas Paine: "Common Sense."
[5] Thomas Paine: "Common Sense."

inheritance was broken by the flood, after which the three sons of Noah divided the earth between them. In this manner the title to the land and absolute authority over the people were traced, more or less consistently from Adam to the king who ruled "by divine right."[6] In this manner, government begun by fear and force was continued by flimsy precedent.

Against these false sophistries, honest philosophers had reasoned for two thousand years that men were created equal, not in subjection, and that the only rightful source of government was the consent of the governed. It was customary, however, for every argument to be based upon a precedent. If a reason did not exist in the past it was without the force of precedent and considered to be no argument. So those who contended that man had a right to a voice in society had to look into the past for a precedent.

It was then the universal belief that the earth began in a completed state, with mankind created in the manner described by the mythologies of ancient religions and the Book of Genesis. From this concept of man's origin, these philosophers conceived the idea that when men first formed society they began with an actual contract between themselves setting forth their rights and duties in society. This theory of a social compact gave a historical precedent to the right of the people to be governed only by their own consent.

To-day it is recognized that neither the earth nor mankind came into existence in a completed state, that both evolved through a period of many eras. It is also recognized that society developed along with the evolution of man, and that the historical precedents for neither theory, the "divine right of kings" nor the social compact ever existed. Because these historical precedents have been exploded, many political philosophers leap to the conclusion that the entire theory is also

[6] The quotations are from Sir Robert Filmer's "Patriarchanon Monarchia" ridiculed by Locke in "False Principles of Government."

exploded, including the belief that society should be united only by a compact voicing the consent of the governed; of course, individual men never met to form a compact before entering into society, but during the evolution of man and society, there has been a constantly closer meeting of the minds of men and the evolution of a compact as the real basis of society.

The theory that men who comprise society promulgate their own laws by conscious contractual relationship is more true to-day than ever before. The people now enact their own laws and grant their own constitutions. It was a fiction when used as a precedent for philosophical argument, but now like the rest of our American theories it represents a standard toward which humanity is ever trending; an ideal which, "by right ought to be."

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Freed from the precedents which bound the old world to false traditions, the American colonists were able to contemplate the fundamentals of government amid natural surroundings. They envisioned government not as it was, a colossus of power exercised by a self-appointed minority, but as it ought to exist, a mutual association created with the consent of all.

The first government in America was established by a compact before the colonists landed from the Mayflower.[7] Other colonists expressed their belief in this source of government; in Connecticut, Thomas Hooker, an obscure Congregational minister, voiced his opinion "that foundation of authority is laid, firstly, in the free consent of the people." This was fifty years before Locke expressed the same philosophy.

Conflicting theories as to the source of government were contributing causes of our Revolution. England refused to obtain the consent of the colonists whom they sought to gov-

[7] The Mayflower Compact, 1620.

ern, and insisted upon the "divine right of kings." The generally accepted American view was that rightful government could only be formed when "the individuals themselves, each in his own personal and sovereign right, entered into a compact with each other to produce a government; and this is the only mode in which governments have a right to arise, and the only principle on which they have a right to exist."[8]

There was no room for arbitration between these two philosophies. The American belief that the people are the only true source of government was expressed in the Declaration of Independence when it stated, ". . . governments are instituted among men, deriving their just powers from the consent of the governed."

◆

The victory of the Revolution made the Americans "the first people whom Heaven has favored with an opportunity of deliberating upon, and choosing the forms of government under which they should live."[9] They created their government accordingly. The people took over the institution of government and became the sovereign power. The government they chose was "nothing more than a national association acting on the principles of society."[10] The distinction between government and society, which had existed since the inception of the institution of government, was removed by a single stroke. Society had captured government.

In the institution of government there had existed a vast, far reaching and complex structure of inequalities. This was so intricate and so imbedded with inequalities that minor corrections would have been without avail. There was but one

[8] Thomas Paine: "Rights of Man."
[9] John Jay, 1776, quoted in "The Essential American Tradition," by Jesse Lee Bennett.
[10] Thomas Paine: "Rights of Man."

solution, for all society to take over government. The advantages of the few immediately became the advantages of all. This method was the surest and most certain. It established a precedent to be followed whenever inequalities became unbearable. New inequalities will develop. When they do, the method for curing them has already been perfected. The machinery has been set up. Society, now in control of the institution of government, need only use the force and vehicle of government to take over and possess any institution which encroaches upon the equal rights of all. Since government is owned equally, all its possessions automatically become the equal rights and property of all.

The change in the course of government from the usurpation of power by one person to the expressed consent of the governed completely reversed the institution of government. "The order of things in Britain is exactly the reverse of the order of things in the United States. Here, the people are masters of the government: there, the government is master of the people."[11] The minds of the people, however, are slow to understand the effect of such changes. It might have been better had the words government and sovereign been removed from the vocabulary, and the words society and public servant substituted.

At the time of our Revolution there were many who took an active and honorable part in the affairs of the new government without understanding the meaning of the change. In fact there were but a few who realized the effect it would have upon the future. Many, even among those who formed the

[11] James Wilson: "Comparison of the Constitution of the United States with that of Great Britain."

Constitution, failed to appreciate this complete reversal in the theory of government. Madison relates that during the course of the Constitutional Convention many of the members were much concerned over the new problem of making proper provision for ex-Presidents. Having in mind the kings and emperors of other nations, they felt it would be "degrading" to have a President at the end of his term of office returned to the status of a humble citizen. Benjamin Franklin, however, thoroughly understood the miracle which had been wrought in government. With his characteristic humor he suggested, "In free Governments the rulers are the servants, and the people their superiors & sovereigns. For the former therefore to return among the latter was not to degrade but to promote them. And it would be imposing an unreasonable burden on them, to keep them always in a State of servitude, and not allow them to become again one of the Masters."[12]

Jefferson compared the government of this country with that of France by saying, ". . . we both consider the people as our children, and love them with parental affection. But you love them as infants whom you are afraid to trust without nurses; and I as adults whom I freely leave to self-government."[13]

Not only was the relationship of the people to their rulers reversed, but likewise the relationship of the people to their laws and constitutions. A constitution was no longer a grant of rights by a government to the people, as in the case of the unwritten constitution of England. Instead it was "the act of a people creating a government and giving it powers."[14] It became the compact by which society consented to a form of government, always subject to be changed, altered, amended and, if necessary, abolished by that society. Neither rulers nor

[12] Notes on the Constitutional Convention for July 26, 1787, by James Madison.
[13] Thomas Jefferson: Letter to Monsieur Dupont Nemours, April 24, 1816.
[14] Thomas Paine: Letter to the Addressers, May 21, 1792.

constitutions could be superior to the people, by whose authority alone they came into existence.

This change in the relationship of the people to their Constitution was, and still is, little understood. At the time of the adoption of the Constitution, it was necessary to point out, "Perhaps some politician who has not considered with sufficient accuracy our political systems would observe that in our governments the supreme power was vested in the constitutions. This opinion approaches the truth, but does not reach it. The truth is that, in our governments, the supreme, absolute and uncontrollable power remains in the people. As our constitutions are superior to our legislatures, so the people are superior to our constitutions."[15]

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Those who fail to understand the American concept of government frequently express a hatred and distrust of government, inbred from generations past when government represented merely the personal power of a monarch. Those who condemn government would be the last ones to aim their criticisms at themselves. They are displaying an ignorance of the effect of our Revolution. In a Democracy, government may not be perfection, but it is everything we are; it reflects the virtues and the vices of our society. When an American looks into a mirror he is face to face with government. "The weight of the government of the United States, and of each state composing the union, rests on the shoulders of the people."[16]

[15] James Wilson: Speaking at the Pennsylvania Constitutional Convention of 1787.

[16] James Wilson: "Introductory Lecture of the Study of the Law in the United States."

CHAPTER XIV

# THE PURPOSE OF GOVERNMENT

*"To secure these rights, governments are instituted among men."*

DECLARATION OF INDEPENDENCE.

THE birth of this nation ushered into being a new kind of government. Society had elected to organize its own government. The source of this new government was the consent of the many, not the usurpation of authority by a few. This government was to function for the general welfare, instead of special privilege. In effect, private government was replaced by public government. The purpose of private government had been to protect private wealth, and the advantages of a few. Public government undertook the more noble purpose of securing the equal rights of all.

The early history of government discloses the purpose for which it was first used. It originated as an abuse of society. Its first purpose was to perpetuate the unequal privileges of a favored few, and to deprive all other members of society of their equal rights. "The governments of the past could fairly be characterized as devices for maintaining in perpetuity the place and position of certain privileged classes, without any ultimate protection for the rights of the people."[1]

Might was the instrument by which these inequalities were perpetuated. When wealth became important for gaining and retaining power, government was designed to guard and replenish the treasury. Since government was the private pre-

[1] Calvin Coolidge: Address in Philadelphia, September 25, 1924.

rogative of the king, the treasury was also his private property. If he found his throne tottering, it was not absconding for him to run off with the treasury. This had been conveniently concentrated in gold and jewels for just such an emergency. The protection of this private property was naturally an important purpose of private government.

As men grew more intelligent, it became more difficult for one man to retain for himself all the increasing national wealth. His family, his friends, and his more important military and political allies, had to receive consideration. The natural trend toward equality steadily exerted its force. Wealth spread from royalty to nobility, finally to an even larger group, unrelated by blood, though kindred in wealth, the aristocracy, who also shared the benefits of government. They demanded that government protect their property and position, as well as that of the king.

This period in the development of governments produced the false doctrine that the primary purpose of government was the protection of property. Numerous philosophers expressed the view that the protection of property was not only a primary function, but the chief end of government. They pointed to the fact that government and property were instituted at the same time. This narrow concept of the purpose of government found ready acceptance in Europe, just prior to our Revolution. At that time political control by wealthy groups tended to convert monarchies into aristocracies. The philosophers who voiced this doctrine achieved immediate recognition, and were hailed as authorities on government by royalty, nobility and aristocracy. The people also accepted this theory, since the gradual breaking down of the feudal system of property permitted a few crumbs of property to fall to them. A little bribery is often sufficient to prevent the detection of a great injustice.

In the early stages of colonial revolt, some of the American

agitators accepted this dogma because it had been voiced by Locke. They argued that Great Britain, by failing to protect their property, had failed in the principal duty of government. However, it was not long before the difference with England was placed upon the firmer demand for the equal rights of man.

There was no desire on the part of our Revolutionary fathers to belittle the part which property plays in organized society, nor to deprive property, honestly obtained, of the protection of government. They realized, however, that property was only a means to an end. It was not so sacred that government, properly instituted, should function for its security alone, for "As man is said to have a right to his property, he may be equally said to have a property in his rights."[2]

America's government was not to be patterned on those of the past. It was to be constructed on the principles of society, and be representative of the interests of all its members. A civil government, constructed on this basis, had to take cognizance of more than mere property rights. "Such a government has cognizance of everything, and of every man as a member of the national society, whether he has property or not: and, therefore, the principle requires that every man, and every kind of right, be represented, of which the right to acquire and to hold property is but one, and that not the most essential kind."[3]

The Declaration of Independence in stating, "to secure these rights governments are instituted among men," expressed a new purpose of government. The rights to which it referred were the equal rights of "life, liberty and the pursuit of happiness." The purpose of securing equal rights was the natural purpose for which man sought the society of his fellowmen. "In a state of nature all men are equal in rights, but they are

[2] James Madison: Article on "Property," National Gazette, March 29, 1792.
[3] Thomas Paine: "First Principles of Government."

not equal in power; the weak cannot protect themselves against the strong. This being the case, the institution of civil society is for the purpose of making an equalization of powers that shall be parallel to, and a guarantee of, the equality of rights. The laws of a country, when properly constructed, apply to this purpose."[4]

To achieve the ambitious purpose, which this nation has undertaken, requires an active government. It cannot be a passive "policeman" in the affairs of its people. The field of our government's activity must be limited only by the boundaries of society. As the agent of society, it must be ready to perform every duty which the individual deems fit to entrust to society. Our government cannot close its eyes to inequalities, merely because they have existed in the past. It is abusing its powers if it protects these inequalities, or creates new ones.

To secure to all its citizens the "equal right to life" may require our government to extend its functions far into economic affairs. Certainly, protection of physical property can no longer be the limit of the economic duties of government. "The protection of a man's person is more sacred than the protection of property; and besides this, the faculty of performing any kind of work or services by which he acquires a livelihood, or maintains his family is of the nature of property."[5]

There was a time when the activities of government were considered to be limited to the erection of barriers, beyond which a man could not go to gain an existence. To secure the individual's right in complex modern society requires affirmative assistance, not negative prohibitions. This task requires

[4] Thomas Paine: "First Principles of Government."
[5] Thomas Paine: "First Principles of Government."

government to do more than protect the accumulations of those who have. It must help the man, who has not, to regain the rights which have been usurped.

To secure the "equal right of liberty" will require delicate distinctions to be drawn between liberty and license. It will not always be pleasant to accord to others their right of liberty. Our government must allow expression of opinions which will sound to us like blasphemies, and will crush our most cherished beliefs. Government may be compelled to defend the right of speech, even of those who advocate that government itself be overthrown. An equal voice in public affairs must be allowed even to our opponents.

To secure to all "the equal right to the pursuit of happiness" imposes upon government an endless task. It has been said that the formula for a long life is to attempt that which can never be fully achieved. If this is so, our government should be immortal. Happiness has been made the key-word of our philosophy of government, and the ultimate of its purpose. Complete happiness for all may never be achieved, though our nation endures forever. The task our government has undertaken will cease only with the end of human society.

It is America's purpose to secure all the rights of all mankind. "No other nation was ever born into the world with the purpose of serving the rest of the world just as much as it served itself. The purpose of this nation was in one sense to afford an asylum to men of all classes and kinds who desired to be free and to take part in the administration of a self-governed Commonwealth."[6]

Some wonder why a nation, with a purpose so far reaching, has permitted so many inequalities to continue over so long a

[6] Woodrow Wilson: Address, "Traditions of America," April 17, 1916.

period. The answer is that the command to remove these inequalities has not been issued to our government by its dictator, the people. When they say the word, these inequalities will go. Those who enjoy unequal rights, or exercise special privilege, must understand they are members of a society whose avowed purpose is to secure equal rights to all. They hold their advantage as an estate subject to forfeiture, whenever the majority so decree. There is only one certain escape from this ever impending possibility. They may terminate their membership in this society, depart and take refuge in a more exclusive society, which accepts the doctrine of inequality. Their native birth does not entitle them to an inheritance of inequality, only an endowment of equal rights. If they desire to remain, they can best protect their advantages by becoming the most ardent advocates of rapid progress that will raise all Americans to the same standards which they themselves now enjoy.

Democracy has an insidious power, which twists even the vicious instincts of man into forces for the public good. Those who would seek power are compelled to reach out and strain every muscle to obtain the public's seal of approval. There is one certain method to merit the people's favor; that is to accomplish good for all. "The government of the United States is a device for maintaining the rights of the people, with the ultimate extinction of all privileged classes."[7]

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[7] Calvin Coolidge: Address at Philadelphia, September 25, 1924.

CHAPTER XV

# THE RIGHT OF REVOLUTION

*"The basis of our political systems is the right of the people to make and alter their constitutions of government."*

GEORGE WASHINGTON.[1]

THE people are the source of our government; not those people who made its laws in the past, but the people living in the present. Government obtains its authority from "the consent of the governed"; not from those, who have passed beyond the jurisdiction of human government. Humanity is always changing; its thoughts, customs and requirements are in a continuous transition. To keep abreast of these constant changes, government must also change. Institutions that were beneficial in the past, may in the future, become impediments. Laws and constitutions, no matter how wisely written, may require rewriting, amendment, or repeal under different conditions. It is the right of the living generation to make these changes to meet their requirements. "No society can make a perpetual constitution, or even a perpetual law. The earth belongs always to the living generation: they may manage it, then, and what proceeds from it, as they please, during their usufruct. They are masters, too, of their own persons, and consequently may govern themselves as they please."[2]

Each man by nature exists only for a lifetime, his estate on earth is therefore that of a life tenant. His birth produces

[1] George Washington: Farewell Address (1796).
[2] Thomas Jefferson: Letter to James Madison, September 6, 1789.

his needs, and establishes his rights. His death both ends his needs, and terminates his rights. Any attempt to extend his jurisdiction beyond the grave, is a violation of the equal rights of the living. "The illuminating and divine principle of the equal rights of man (for it has its origin from the Maker of man), relates not only to the living individuals, but to generations of men succeeding each other. Every generation is equal in rights to the generations which preceded it, by the same rule that every individual is born equal in rights with his contemporary."[3]

Despite this natural limitation on man's rights, some attempt to fasten their thoughts, contracts, deeds and decisions permanently, not only upon the living, but upon the unborn. They usurp the prerogatives of future generations, and establish inequalities extending beyond their own generation. They grant franchises and privileges to some, impose obligations upon others, and provide that these inequalities shall be inherited by posterity. The distinctions they establish make it impossible for men to be created equal. They direct that one shall be born a king, another his vassal; one a master, another his servant; one wealthy, another indebted to him. The earth is divided, and its uses dictated for all time. They command that men, whom future progress is certain to endow with greater intelligence, shall always think and believe as they do in their ignorance. Laws and customs are set up to last through all eternity. Political, social, and economic differences are expected to exist for all time. In their conceit, these men wish to make themselves, with all their imperfections, perpetual.

When these institutions, contracts, and constitutions, require change, some oppose the needed amendment and argue they are "perpetual." Those who gain advantage by existing conditions try to impede progress. If they are in the majority, the time is probably not ripe for change, but when they become

[3] Thomas Paine: "Rights of Man."

a minority, they will still resist correction. The force and manner with which they resist, determines the force and manner which will be required to produce the change. "Repression is the seed of revolution."[4] As one wrong requires other wrongs to support it, the few, who benefit by infringing upon the rights of others attempt to usurp the prerogatives of government. If they are successful, they will deny all rights. "When all other rights are taken away, the right of rebellion is made perfect."[5]

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The success of our Revolution was due to a firm belief in the natural right of revolution against oppression. Political philosophers had for centuries recognized both the right and the necessity of revolution, as a fundamental principle of government. No governmental document had dared to declare the right. To be consistent with the principles, for which they fought, our revolutionary fathers were compelled to boldly express, in their Declaration of Independence, as a matter of right and principle: "That whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute new government, laying its foundation on such principles and organize its powers in such form, as to them shall seem most likely to effect their safety and happiness."

Historians, with little understanding of our principles, have tried to convince the people that the right of revolution was written into the Declaration of Independence, merely to justify that Revolution, and no other. They argue that when the separation from Great Britain was an accomplished fact, the

[4] Daniel Webster: Quoted in "Essential American Tradition"; Jesse Lee Bennett.

[5] Thomas Paine: "First Principles of Government."

right no longer applied, or at least became only a theory. There is ample evidence that the right of revolution was literally intended. Even when the right rose to haunt those who had voiced it, it was upheld. During Shay's Rebellion, Jefferson wrote to Madison: "I hold it, that a little rebellion, now and then, is a good thing, and as necessary in the political world as storms in the physical. Unsuccessful rebellions, indeed, generally establish the encroachments on the rights of the people, which have produced them. An observation of this truth should render honest republican governors so mild in their punishment of rebellions, as not to discourage them too much. It is a medicine necessary for the sound health of government."[6]

James Wilson referred to the adoption of completely new constitutions of government by Pennsylvania and by the United States, as specific examples of the successful use of the right of revolution. He wrote, "It is a principle not recommended merely by a flattering theory: it is a principle recommended by happy experience. To the testimony of Pennsylvania—to the testimony of the United States I appeal for the truth of what I say."[7]

A foreign observer considered this right as real evidence of the sovereign power of the American people. De Tocqueville wrote: "I have hitherto examined the institutions of the United States; I have passed their legislation in review, and I have depicted the present characteristics of political society in that country. But a sovereign power exists above these institutions and beyond these characteristic features which may destroy or modify them at its pleasure: I mean that of the people."[8]

During the Civil War, when part of the country was actually

[6] Thomas Jefferson: Letter to James Madison, January 30, 1787.
[7] James Wilson: "Introductory Lecture of the Study of the Law in the United States."
[8] Alexis de Tocqueville: "Democracy in America," Vol. II.

in rebellion, President Lincoln did not deny the right of revolution, but re-affirmed it. "The country, with its institutions, belongs to the people who inhabit it. Whenever they shall grow weary of the existing government, they can exercise their constitutional right of amending it, or their revolutionary right to dismember or overthrow it."[9]

◆

Some consider the right of revolution as an element of weakness in government; they believe the existence of the right tends to invite rebellion. Locke pointed out the effect is the opposite; that the right of revolution "is the best fence against rebellion and the probablest means to hinder it."[10] The experience of this nation has proven this right to be a safeguard against oppression, and a source of our greatest strength. Had not our theory of government recognized the necessity for flexibility, it would long since have become outworn and useless.

Since this declaration of the right, we have passed through many revolutions, and gained strength by every experience. James Wilson expressed the opinion that, "This revolution principle—that, the sovereign power residing in the people, they may change their constitution and government whenever they please—is not a principle of discord, rancour, or war: it is a principle of melioration, contentment, and peace."[11]

While the declaration of the right of revolution should expedite necessary changes, there need be little fear that old institutions will be too hastily discarded. The tendency of man is to give undue weight and authority to the thoughts, words, and customs of the past. This homage to the dead is often

[9] Abraham Lincoln: First Inaugural Address, 1861.
[10] John Locke: "True End of Government," Chapter, "Revolution."
[11] James Wilson: "Introductory Lecture of the Study of the Law in the United States."

paid at the expense of the living. The tenacity with which men adhere to the old, rather than undergo the inconvenience of change, was mentioned by Jefferson in the Declaration of Independence, in almost the exact phrases used by Locke, nearly a century before. Jefferson wrote, "Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly all experience hath shown, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same object evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security."

Our natural inertia will cause us to follow precedent more often than we should. It is not necessary to add to precedent any special sanctity. By emphasizing the right of revolution, the seeds of progressivism were sown in our theory of government. Laws and teachings of the past were exposed to the same tests of reason, as new laws and proposed changes. The fetish of precedent was exploded by the declaration of the right of the living to mold their own existence. By building this right into the very constitutions of our government, we began a continuous and progressive revolution under sanction of law. The dead hand of precedent was intended to be removed from our law. The right of revolution cleared the path for evolution.

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We are too apt to think of revolutions with repugnance; that, at which our senses revolt, is the violent means too often required to accomplish the end. Bloodshed and death are only necessary when the ground has become too hard to be sown

with seeds of reform. Those who reason do not fear the changes and progress which are the fruits of revolution. The rapid violence of a revolution may be slight, compared with the generations of slow suffering it prevents. Years may elapse between the sowing of a revolution, and the harvest of its benefits. Only time can value the price against the product.

The real villain of most revolutions cannot be found among those, whom circumstances force to fight these revolutions. Those, in the past, who ignorantly planted perpetual monuments directly in the path of progress, are the real cause of revolutions. These perpetual institutions, worshipped as sacred shrines for no better reason than precedent, require progress to use force in order to proceed. So long as civilization binds itself too firmly to the past, its natural advance can continue only after it has torn itself away by revolution. "Society ought to be preserved in peace; most unquestionably. But is this all? Ought it not to be improved as well as protected? Look at individuals; observe them from infancy to youth, from youth to manhood. Such is the order of Providence with regard to society. It is in a progressive state, moving on towards perfection."[12]

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It is not necessary that all revolutions be accomplished by violence and bloodshed: "The moral principle of revolutions is to instruct, not to destroy."[13] Violence occurs only when progress has been too long impeded, hence calamity results. Grievances that stand too long without redress, rankle the temper of the people, and cause them to clamor for revenge. There is another kind of revolution, that which proceeds and

[12] James Wilson: "Introductory Lecture of the Study of the Law in the United States."

[13] Thomas Paine: "First Principles of Government."

prevents calamity, by applying the proper remedies in advance. The declaration of the right of revolution makes this kind of revolution both legal and possible in America. "In other parts of the world, the idea of revolutions in government is, by a mournful and indissoluble association, connected with the idea of wars, and all the calamities attendant on wars. But happy experience teaches us to view such revolutions in a very different light—to consider them only as progressive steps in improving the knowledge of government, and increasing the happiness of society and mankind."[14]

The history of revolutions throughout the world shows most of those, which have been accompanied by violence, to have arisen from similar conditions. A majority of the people, denied their equal rights, have sought to overthrow the government to obtain greater equality. This basic cause was removed by our own Revolution. As a result of our Revolution, the people captured government, and converted it into an institution to secure the equal rights of all. The necessity for violent revolution was removed by our principles of democracy. "Happily for us, that when we find our constitutions defective and insufficient to secure the happiness of our people, we can assemble with all the coolness of philosophers, and set it to rights, while every other nation on earth must have recourse to arms to amend or to restore their constitutions."[15]

So long as the people are the true source of government, the direction of revolutions in this country will be the reverse of those in other lands. They will not be directed against our government, but for the enforcement of its correct principles, against those who would distort them, or resist the natural trend of their progress.

A democracy cannot function successfully for long without

[14] James Wilson: Speech in Pa. Convention for Adopting the Constitution, November 26, 1787.

[15] Thomas Jefferson: Letter to Monsieur Dumas, September 10, 1787.

this right of revolution. Even a majority of humanity are subject to error. The few, who gain by these mistakes, will insist upon retaining their ill-gotten advantages and appeal to "the sanctity of the law." Any attempt to change will be labelled treason. The right of revolution stands as a constant threat against those who would usurp our government, and reverse its purpose. Americans should revolt at the thought, not of revolution, but that future Americans might ever mildly submit to a denial of their equal rights, without revolution. "The doctrine of no-resistance against arbitrary power and oppression, is absurd, slavish and destructive of the good and happiness of mankind."[16]

[16] Constitution of Maryland (1776).

## CHAPTER XVI

# CONCLUSION

*"This they said and this they meant."*
ABRAHAM LINCOLN.[1]

THERE are men of wisdom and men of action, but it is rare that both attributes are found in the same men. America owes its beginning to men who combined wisdom with action.

The kings and conquerors, to whom other nations owe their beginnings, had been men of action only. They gained their dominion by force, and they ruled it by force. No sooner had mankind passed beyond individual primitive existence, and entered into social life, than the control of society was usurped by the most powerful. Because they controlled, they claimed to govern. They called themselves the government, when in fact they were only a controlling faction. They acknowledged no duty to the people whom they governed. Instead they demanded allegiance of them, and claimed to rule by "Divine Right." It has been truly said, "Of some governments, the foundation has been laid in necessity; of others, in fraud; of others, in force; of how few, in deliberate and discerning choice!"[2]

Responsible to none, the kings and emperors governed to their personal advantage. If their acts benefited the people, which occasionally they did, it was because the interests of the monarch and the people happened to coincide. Reforms in

[1] Abraham Lincoln: Address at Springfield, June 28, 1857.
[2] James Wilson: Essay "Of Government."

government were gained only through rebellion by the people against the government.

Wise men thought and wrote about the relation of people to government. As philosophers, they were satisfied to express their opinions. They hoped that someone would be inspired into action by their wisdom. Never had any philosopher sought and gained control of government.

The men who founded this nation were wiser than other philosophers. They realized that ideas and words must be transformed into action. They were not content with propounding ideals; they set about to accomplish them. They coupled philosophy with achievement, wisdom with action. By a single stroke, the Declaration of Independence, they both voiced their philosophy, and seized the reins of government.

As men of action and as conquerors, they might well have grasped the opportunity to place themselves in an exalted position, and, by means of government, attempted to perpetuate this personal advantage. But as men of wisdom, they could not pervert their ideals by self-interest. Some were tempted, others clamored for power, but the wisest prevailed. When they seized the government, they did not claim the conquest for themselves, but for all society. They returned the control of government to its rightful owner, the people. Society, as the natural organization of humanity, took control of government, which then became the servant of society, rather than its master.

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The founders of this nation sought to accomplish by principles, what conquerors had failed to achieve by force of arms. A man's body can be captured by force, but the conquest of the man is not complete. The key to his mind can be obtained only by reason. Conquerors were satisfied to enslave their

subjects; America was not to be a race of slaves, but a nation of men. This purpose could not be attained by might. Our forefathers knew, "An army of principles will penetrate where an army of soldiers cannot."[3]

The principles of Americanism were expressed, clearly and concisely, in a single paragraph of the Declaration of Independence. As Lincoln stated, these principles are "applicable to all men and all times." They did not intend to misrepresent existing conditions by pretending this ideal of equal rights had existed in the past, was then in existence, or that they were immediately going to bring it about. "They meant simply to declare the right, so that enforcement of it might follow as fast as circumstances should permit."[4]

Because our founders did not immediately accomplish the vast changes they planned, some argue they did not fully intend their words. Others have seized upon this fact to ignore these principles, and to point to every existing inequality of the colonial period as the true symbol of Americanism. There must be no mistake, the ideals expressed in the Declaration of Independence were fully intended in their plain meaning. The inability to complete this super-human task, within their generation, does not condone the continuance of the inequalities they sought to abolish. Nor does it excuse us, as Americans, for permitting the continued infringement of the equal rights of men.

Our Revolution began an era of vast transition from government by force, to government by reason. The concept of government as a science, begun and planned to promote the welfare of all the people, was an innovation. The founders knew they had made but a beginning.

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[3] Thomas Paine: "Agrarian Justice."
[4] Abraham Lincoln: Supra, Chapter IX, Note 8.

When we understand the true meaning of America's purpose, we should examine ourselves to see whether or not we are deserving of the title of "Americans."

To understand the term "American," we must recall the origin of all Americans. From the very beginning, Americans were revolutionists who rebelled against tyranny, inequality and oppression in every form. Rather than submit to injustice, they sacrificed all ties of kinship and friendship and forswore their allegiance to their native governments. They sought in America the equal rights they were denied in their home lands. "Fierce oppression, rattling, in her left hand, the chains of tyranny; and brandishing, in her right hand, the torch of persecution, drove our predecessors from the coasts of Europe."[5]

The American colonists were not the only revolutionists. Those who followed were impelled by the same causes, and sought our shores for the same reasons. They sought this land because of a revolution in their lands, or in their lives. They were progressive people, discontented with the inequalities, class distinctions, political, social and economic oppression of their native country, where their lives were doomed to downtrodden serfdom before royal or aristocratic dictatorship. "Driven from every corner of the earth, freedom of thought and the right of private judgment in matters of conscience direct their course to this happy country as their last asylum."[6]

The ideals of America held out to them a possibility for betterment of their lot in life. This country became a haven of refuge for all who dared think for themselves, express their thoughts, and who were tolerant of the right of others to do the same. They uprooted themselves and risked their future, for their desire and belief in equal rights. "Divine Providence

[5] James Wilson: "Introductory Lecture on the Study of the Law in the United States."

[6] Samuel Adams: Quoted in "The Essentials of American Tradition," by Jesse Lee Bennett.

intends this country to be the asylum of persecuted virtue from every quarter of the globe."[7]

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Native birth is not a requirement of Americanism. Throughout the world there are many who are Americans at heart, although they have never seen our shores. They are Americans because they believe in the principles for which America stands. Those who have sought this land because of its ideals, even though they arrived but yesterday, have, by that very act, proven their right to the title of "Americans."

Abraham Lincoln held out to them this welcoming assurance: "We have—besides these men descended by blood from our ancestors—among us perhaps half our people who are not descendants at all of these men; they are men who have come from Europe—German, Irish, French, and Scandinavian—men that have come from Europe themselves, or whose ancestors have come hither and settled here, finding themselves our equals in all things. If they look back through this history to trace their connection with these days by blood, they find they have none, they cannot carry themselves back into that glorious epoch and make themselves feel that they are part of us; but when they look through that old Declaration of Independence, they find that those old men say that, 'We hold these truths to be self-evident, that all men are created equal'; and then they feel that that moral sentiment, taught in that day, evidences their relation to those men, that it is the father of all moral principle in them, and that they have a right to claim it as though they were blood of the blood, and flesh of the flesh, of the men who wrote that Declaration; and so they are. That is the electric cord in that Declaration that links the

[7] Thomas Paine: "A Dialogue between the Ghost of Gen. Montgomery and an American Delegate," published in the Spring of 1776.

hearts of patriotic and liberty-loving men together, that will link those patriotic hearts as long as the love of freedom exists in the minds of men throughout the world."[8]

It is with regret that we discover many among us, even some who trace their ancestry back beyond the Revolution, who are, nevertheless, not entitled to be called "Americans." They are not Americans because they do not believe in America's ideals; they do not profess its creed; they do not dedicate their lives to the accomplishment of its purpose. Instead, they pride themselves in the title of "American," and point to their pedigree for proof, as though the title of "American" was a matter of inheritance, like that of royalty. They would distort its principles, and reverse its purpose. They are not content with equal rights. They would establish an American nobility, with superior privileges, and pass these on as an inheritance to their posterity. They would re-establish the distinctions our Revolutionary fathers abolished. They would set up the inequalities of position and wealth our Revolution sought to destroy. They are not Americans. Neither their residence, nor their ancestry, make them so. The title, "American," is not a matter of birth or geography. The sovereign order of Americans belongs only to those who believe in its principles, and seek to establish them among all mankind.

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Americanism is not a religion, nor is it bound to any religious creed. Religion points to the injustices on earth, and promises equality and justice in worlds beyond. The jurisdiction of Americanism is limited to the earth. It is a philosophy derived from the laws of nature, demonstrated by nature here on earth, and in the physical universe which surrounds it. It is capable of proof by observation and reason. It is a code of ethics between

[8] Abraham Lincoln: Reply to Stephen Douglas, Chicago, July 10, 1858.

men. It seeks to establish equality and justice here on earth. Its goal is human happiness.

Americanism seeks to accomplish its purpose through the institution of government. Its philosophy applies not alone to the government of the United States, but is held out for acceptance to all civilized societies. "The Declaration of American Independence is the act of most far-reaching, profound and beneficial consequences ever deliberately consummated by patriots. It resulted not only in the foundation of the greatest democratic State, the world has ever known, but it promulgated political and social doctrines which are rapidly permeating all States, moulding all societies, and likely, ultimately, to transform the governments of the civilized world."[9]

The American philosophy of equality was the great magnet that attracted population to this unpopulated waste. It offered an opportunity for development upon an equal status with one's fellowmen. To this philosophy our nation owes its birth, its growth, its existence and its present position, foremost among the nations of the world.

America has become a wealthy nation through the discovery and development of its natural resources, but its growth was not due to those resources alone. Other portions of the earth offer even richer fields. A government may control the choicest, richest spot on this earth's surface, but unless its people have an equal right to its enjoyment, it will never be a land of opportunity for those who own no rights in it, and who cannot, under its basic laws, acquire a share of its opulence. The philosophy of equality gave America its name, "the land of opportunity."

The future of America depends upon these American prin-

[9] Judge James Gay Gordon, Sr.: Editorial, "A Few Words with Philadelphia's Royal Guest," Philadelphia, March 10, 1902.

ciples. To receive the full benefits of this philosophy, they must be clearly understood. They will apply as a remedy to every crisis in human affairs. They will lead to the fulfillment of every expectation of human happiness. "Indeed I cannot but be of the opinion, that when those principles shall be rightly understood and universally established, the whole family and brotherhood of man will then nearly approach to, if not fully enjoy that state of peace and prosperity, which ancient Prophets and Sages have foretold."[10]

Our American philosophers could only discover the principles, announce them to the world, and use them as a foundation for our government. "A foundation of human happiness, broader and deeper than any that has heretofore been laid, is now laid in the United States: on that broad and deep foundation, let it be our pride, as it is our duty, to build a superstructure of adequate extent and magnificence."[11]

There is no question of the ultimate achievement of our purpose. "It is not whether these principles press with little or more force in the present moment. They are out. They are abroad in the world, and no force can stop them."[12] There remains only the question, whether we of America and of this generation will enjoy their blessings.

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[10] Samuel Adams: Address to the Legislature of Massachusetts, January 17, 1794.

[11] James Wilson: "Introductory Lecture on the Study of Law in the United States."

[12] Thomas Paine: "The Rights of Man."

# BOOK III

# OUR ACHIEVEMENTS TOWARD DEMOCRACY

# CHAPTER XVII

## INTRODUCTION

*"Tradition is a handsome thing in proportion as we live up to it. If we fall away from the tradition of the fathers, we have dishonored them."*

WOODROW WILSON.[1]

IT HAS been said, of the philosophy of the Declaration, "Its influence at the moment was strictly subordinate to that of the event it defended, and it has only been in later times that the living force of its abstract principles has been perceived to expand beyond the nation over the ever-widening circle of mankind."[2] The statement that "its influence at the moment was strictly subordinate to the event it defended" is far from correct. Jefferson, Paine, Wilson and many others fully realized this philosophy was a "living force" applicable far beyond the immediate goal of separation from England, and attempted to apply it at once to every legislative act of the new sovereign states.

No effort was made to extend its influence beyond the confines of our country. One of the tenets of our philosophy is the right of "self-determination." Because of this, our forefathers did not attempt to "spread the gospel," or proselytize the people of other nations either by propaganda or imperialistic "persuasion." They respected the right of all people to solve their problems by the processes of their own reason.

[1] Woodrow Wilson: Address, "Traditions of America," April 18, 1916.
[2] Charles Francis Adams: "Life and Work of John Adams," Vol. I.

The only exception to the strict observance of this principle was the action of Thomas Paine. His endeavors to preach democratic principles in England are explained by his natural attachment to the land from which he had only recently emigrated, and by the fact that these very principles had been expounded in that country a century before by John Locke. The part played by Paine in the French Revolution was the result of an invitation extended to him by the French people.

Without any deliberate attempt to expand the sphere of its influence the spark of democratic revolution spread, by its own force, immediately to Europe. Its philosophy kindled the French Revolution, which might have been as successful as our own, if the French had followed the pure principles of our philosophy. The bloodshed and failure of that rebellion was largely due to their departure from the principle of equality in order to establish a new order of inequality.

In England, the Declaration was immediately effective in broadening the democratic trend in that country. The colonial policy of England was necessarily modified. Historians have credited American principles with effecting democratic changes in England almost equal to those in our own country. A review of the world's governments shows that democratic principles have extended throughout the entire world. At the time of the Declaration, the world was predominately in the control of monarchy. Today monarchy remains only as a relic.

However, it is not the intent of this book to trace the effect of this philosophy in other lands. Though its principles are applicable to all mankind, they must be tested by the success of their application to the problems of our own government, and our own people.

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The "event" which the Declaration "defended" was politi-

cal only, but the terms of the Declaration purposely extended the philosophy of equal rights to all human affairs. In the Declaration, Jefferson attempted only to state the most important equalities of human rights. He was careful to qualify his general statement, by writing "among these are life, liberty and the pursuit of happiness." These three cover the greatest part of all human activities, but he realized time might require the recognition of other equalities.

The three equalities, "life, liberty and the pursuit of happiness," suggest the three important phases of democracy, economic, political and social. "Life," as used by Jefferson, means "the equal right of preservation of life," hence is a pronouncement of the fundamental principle of economic democracy. "Liberty" is the basic principle of political democracy, while the equal right to "the pursuit of happiness" includes within its embrace the ultimate of social democracy.

Our purpose will only be accomplished when we have extended the principles of democracy to all these realms. How far we have progressed toward that goal of complete democracy can only be ascertained by measuring the advance on every front.

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Our story would be more pleasant if we could relate that, once the Declaration of Independence was proclaimed, America immediately set about to accomplish its purpose, completed the task, and that ever after all enjoyed the blessings of equality. Unfortunately we are not dealing with fiction, but with fact; not with characters in a book, but with real people; not with situations made to order, but with actual conditions which evolved as part of our human evolution throughout the centuries.

The task of achieving our avowed purpose required the uprooting of customs, habits and abuses older than civilization.

Institutions, built into the very structure of society had to be replaced without destroying society itself. Laws creating inequalities and perpetuated through the human habit of following precedent, had to be repealed and replaced by laws predicated upon reason.

These changes required improvement, not alone in law and government, but in the very nature of the people who comprised society. The mass mind had not been developed by education. Ignorance was the rule, intelligence the exception. Civilization had not matured; it was developed only to the stage of childhood. The average man was merely an acquisitive boy. To him the aim in life was gain in terms of gold. He had little understanding of the purpose of life and was not fitted for too great a step forward.

The full import of our Revolution was understood only by a few. Some considered it merely as a separation from England and expected a new monarchy to be established. Others viewed it as a political change unaccompanied by any deeper significance. The few responsible for our American philosophy knew, however, the far reaching effect of these principles and were ready to bring about the changes necessary to establish them.

The task was begun with resolution. Some of the most glaring inequalities of that time were removed. Completion of this task was beyond the capacity of any one man, generation, or even a single human era. As old inequalities were removed, new ones sprang up to replace them. Those which were not uprooted grew stronger with the prosperity of the nation. Laws which made for greater equality at that time, became sources of inequalities in the future.

Jefferson understood the problems which confronted America in its effort to realize its purpose. He appraised the situation in these words: "The spirit of the times may alter. Our rulers will become corrupt, our people careless. A single zealot may become persecutor, and better men be his victims. It can never

be too often repeated that the time for fixing essential right, on a legal basis, is while our rulers are honest, ourselves united. From the conclusion of this war we shall be going down hill. It will not then be necessary to resort every moment to the people for support. They will be forgotten, therefore, and their rights disregarded. They will forget themselves in the sole faculty of making money, and will never think of uniting to effect a due respect for their rights. The shackles, therefore, which shall not be knocked off at the conclusion of this war, will be heavier and heavier, till our rights shall revive or expire in a convulsion."[3]

Jefferson's prediction that "from the conclusion of this war we shall be going down hill" proved correct. The pronouncement of our principles proved to be the greatest immediate gain. After the war the nation settled back comfortably into the arms of many of the old inequalities. Its principles were considered "too radical" for complete acceptance, too idealistic for immediate action. Though we set out to break precedents, our aversion to change prevented any rapid stride toward the achievement of our purpose.

This strange aversion to change is a peculiar human impediment, which then, and now, deters action and stifles our zeal for accomplishment. The tenacity with which humanity adheres to the old can be explained only as a fear of the new. Usually this fear has no better basis than ignorance. A most casual examination of human history discloses that progress has invariably bettered the condition of mankind. The one substantial objection to progress is that, in helping mankind generally, progress frequently hurts some few, individually. The disadvantage of some progressive step to a particular

[3] Thomas Jefferson: "Notes on Virginia."

individual may be overwhelming. This is because society is not yet sufficiently a unit so that all gain by the general advance. Nor is the principle of equality sufficiently embedded in our human laws so that all share the advantages of progress. This will only be corrected when progress itself produces a more cooperative society with an equal distribution of its advantages.

The conflict between America's ideal of equality and the fearful tenacity with which a few clutch existing inequalities, has resulted in America being beset with the same conflict of philosophy that has impeded the progress of the rest of the world. The single advantage which America has possessed has been the fact that the philosophy of equality became the accepted American principle, at least, in theory.

As we survey the attempt to realize our ideal, we will observe many departures from the sound principles of our philosophy. These errors of the past are the seeds from which have grown the problems of the present. Our every crisis, whether political, economic, or social, has had as its basic cause some inequality of rights. "Only as we have departed from fundamental American principles have we had trouble."[4] Our problems have been solved and progress gained only by directing our course toward equality.

[4] Senator Albert J. Beveridge: Address, "Source of the Declaration of Independence," June 2, 1926.

# CHAPTER XVIII

## POLITICAL DEMOCRACY

*"The foundations of political truth have been laid but lately: the genuine science of government, to no human science inferiour in importance, is, indeed, but in its infancy."*

JAMES WILSON.[1]

AMERICA first applied its philosophy of equality to the political field. Friends of democracy pride themselves that we attained political democracy in 1776. Enemies of democracy decry the flaws in our existing government as fallacies of democracy. Both are mistaken. A political democracy has not yet been achieved, though a substantial beginning was made by our Revolution. The errors of government blamed on democracy are the remnants of monarchy and aristocracy, which an infant democracy has been unable to cast off.

It is doubtful if more than a handful of our prominent Revolutionary fathers understood the fundamentals of political democracy. Only a few are known to have considered the problem from a philosophic viewpoint. Many made the mistake of trying to pattern our government after the governments of the past. The difference between a democracy and other forms of government lay too deep to permit imitation. This difference was not only in the source of its authority, but in the object to be attained. Governments of the past sought

[1] James Wilson: "Introductory Lecture of the Study of the Law in the U. S." (1790).

as their purpose to perpetuate inequalities; democracy seeks the reverse, to achieve equality.

The ideal of political democracy was considered at the time of the Revolution, but when our government was set up it was not intended to be such an ideal. The best practices of other governments were taken, and the result frankly admitted to be only a compromising step in that direction. Ideal government is known to have been discussed by Jefferson, Paine, and Wilson; and by Jefferson through correspondence with Madison. From these discussions it is possible to portray political democracy.

A political democracy would be a government erected and maintained on the principle of equality. In the affairs of such a government each individual member of society would have an equal voice. None would be deprived a vote, and the vote of each would count alike. The decision of the majority would be binding on all, and constitute the authority for government. The civil and the natural rights of every member of society would be equal, and every member of society would be expected to perform equal duties. A political democracy would recognize and protect only those rights which were equal; any claim to unequal rights would be a usurpation, and be extinguished. Such a government would owe each individual an equal duty, and would neither grant unequal benefits nor delegate unequal powers. All the advantages of society would accrue equally to every citizen.

However, a political democracy consists not only in erecting an ideal government, but in maintaining it. The constant progress of humanity requires constant change in the laws and ordinances which govern them. The object of these laws must remain the same as that of the original government, namely, to secure equal rights. The system of law to be followed in a political democracy must therefore be equal in its terms and in its administration.

It is not necessary that a political democracy be limited to any particular form. A republican government, in which the decision of the majority is ascertained through the vote of representatives, rather than by direct vote of the individuals, might be just as much a democracy as one controlled through the direct dictates of the individuals. As a matter of practice, a republic might be more convenient to maintain, but there is always a question whether representatives are voicing the opinion of their constituents, or their own opinion, in disregard of the real public opinion. "The further the departure, from direct and constant control by the citizens, the less has the government of the ingredient of republicanism."[2]

This description of the ideal of political democracy is but a single side of democracy. We have described only its political phase. Inequalities existing in other phases of society would render such an ideal impossible. Gross inequality in the distribution of wealth, or the false exaltation of certain individuals in social position, could not help but reflect on the political democracy, and distort it from its purity and equality. On the other hand, equality established in any institution of society tends to remove inequalities from all its institutions. It will be seen that even our incomplete attempts at political equality have tended to make our economic and social structures more democratic, but the inequalities remaining, particularly in our economic structure, have rendered the establishment of a pure political democracy incomplete.

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Attempts of the colonies to better their political structure while attached to England had proved futile. The whole institution of the British government was opposed to the democratic ideal of equality. It had evolved as a tool of the ruling

[2] Thomas Jefferson: Letter to John Taylor, May 28, 1816.

classes to perpetuate their advantages, and could not be expected to operate against their interests. Separation was necessary, but government was also necessary in a civilized society. The only possible solution was for the people of the colonies to take over government, and use it as an implement for the equal benefit of all.

The effect of the Declaration of Independence was not only to separate the colonies from England; this would have left them in a state of anarchy. The legal effect of the Declaration was also "to create a new body politic."[3] It was the source of sovereignty of the various states,[4] and clothed them with full powers of government.[5] The total result was to transfer the institution of government, with all its advantages, from the possession of a few, to society as a whole.

The next step toward a political democracy required the ideals of democracy to be written into the basic laws of these new governments. "In order to give effect to the Declaration of Independence by Congress it was necessary that the states severally should make a practical beginning by establishing state constitutions, and trust to time and experience for improvement."[6]

Each state, in turn, embodied the principles of the Declaration of Independence into its newly adopted constitution. In some instances the entire paragraph of the Declaration, containing the American philosophy, was written word for word as a preamble. In others the wording was changed so as to write the same ideas into a bill of rights. Of the thirteen origi-

[3] Penhallow v. Doane, 3 Dallas 53.
[4] Talbot v. Commanders of Three Brigs; 1 Dallas 95.
[5] Respublica v. Chapman, 1 Dallas 53; also Respublica v. Doan, 1 Dallas 85.
[6] Thomas Paine: Essay on "Constitutions, Governments, and Charters," June, 1805.

nal colonies only Georgia and South Carolina failed to follow this example. New Jersey had just adopted a new constitution on July 2, 1776, two days before the Declaration, hence waited until 1844 to incorporate this philosophy into its laws. As new states were added to our union, the vast majority wrote into their constitutions, in one form or another, the philosophy of the Declaration. To-day, these principles are part of the constitutions of all but a few states.

In this manner the self-evident truths that all men are entitled to equal rights, that the people are the source of government, which is formed as a result of a compact between them, and that the people retain the right to alter their form of government and to adopt such other as may be conducive to their happiness, have been built into the constitutions of each of the United States and are their first and fundamental laws. The fact that these principles are not only the American philosophy, but the basic American law is strangely disregarded by our courts. Too frequently our judges retrace their steps merely to the federal Constitution, then avoid the period of our Revolution, and search for precedent into the antiquity of medieval English common law. They lose sight of our first law, the Declaration of Independence, and the constitutions of the states, which together form the authority, upon which all our laws and our federal Constitution rest, and in the light of which they should be interpreted.

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There is more to government than the mere setting up of a constitution, which can only contain the most fundamental principles. More specific laws are required to provide for the numerous and complex circumstances of human affairs. This is accomplished by other laws in the form of statutes and ordinances, while particular problems must be determined by indi-

vidual decisions of the courts themselves. Together these form the body, or system of law, which maintains the political structure called government.

The difference between the goals to be attained by the government of England and that of America, made it apparent to sound students of the law that the English common law, in vogue prior to our Revolution, would not accomplish America's purpose, "to secure equal rights." Those judges and lawyers, who believe the English common law is the basis for our American law, and that we as Americans are bound by its quibbles, would learn much to their advantage by reading the introductory lectures on law delivered by James Wilson, in 1790, and attended by George Washington. In these lectures Wilson tossed away the English common law and Blackstone, with the remark that, "the principles of the constitutions and governments and laws of the United States, and the republics of which they are formed, are materially different from the principles of the constitution and government and laws of England . . . with regard to the very first principles of government, we set out from different points of departure . . . the foundation, of a separate, an unbiased, and an independent law education should be laid in the United States."[7]

James Wilson ably distinguished between the English concept of law, and that of America. He quoted the English definition from Blackstone as follows, "Law is that rule of action, which is prescribed by some superior, and which the inferior is bound to obey." This was not acceptable as a definition of American law. Wilson asked: "What is this superiority? Who is this superior? By whom is he constituted?"[8]

In America there are no superiors; all are equals. Laws laid down by "superiors" for obedience by "inferiors," are certainly not the proper foundation for the laws of a nation

[7] James Wilson: Introductory Lecture on Law in the United States (1790).
[8] James Wilson: "On the General Principles of Law and Obligation."

of equals. Laws devised to perpetuate the inequalities of Europe afford poor precedent to establish equality. "In numerous instances, the precedent ought to operate as a warning, and not as an example, and requires to be shunned instead of imitated."[9]

The widely accepted fallacy, that "the common law of England" is the basis of our law, has so far become the "correct" legal theory that the quibbles of medieval English cases are constantly cited and blindly followed in our courts even at this late day. The "common law of England" can be said to have furnished to this country all the binding precedents, which constantly conflict with progress and the laws of nature.

The correct relation of the common law of England to our law was a matter of much discussion immediately after the Declaration of Independence. Jefferson, who was a learned lawyer, wrote to Judge Tyler, "I deride with you the ordinary doctrine, that we brought with us from England the common law rights," and he added, "We may doubt, therefore, the propriety of quoting in our courts English authorities subsequent to that adoption; still more the admission of authorities posterior to the Declaration of Independence."[10]

Referring to the laws of the newly created sovereign states, Jefferson said, "the common law did not become, ipso facto, law of the new associations, it could only become so by a positive adoption."[11] Some states did adopt the common law of England, as part of their laws, since under the pressure of setting up new governments it was practically impossible to re-write all the laws. Others did not adopt it, but proceeded on the theory that it was law. Still others attempted the impossible, and re-wrote their laws using much of the "common law" as a pattern. Our legal system was copied after the

[9] Thomas Paine: "Rights of Man."
[10] Thomas Jefferson: Letter to Judge Tyler, June 17, 1812.
[11] Thomas Jefferson: Letter to Edmund Randolph, August 18, 1799.

common law of England, because of expediency, not because of right.

James Madison, whose authority can hardly be questioned, likewise tried to correct this persistent error. "If the Common Law has been called our birthright, it has been done so with little regard to any precise meaning. . . . As men our birthright was from a much higher source than the common, or any other human law."[12]

The law that justified the separate national existence of America was likewise intended to be the basis for all its law. No human law is precedent for the law of this nation. The cornerstone of our Nation is the "laws of nature"; upon it alone, the structure of our law should have been erected. Our founders intended that, in time, we should abolish precedent, and build a new structure upon the firm foundation of the laws of nature.

If those entrusted with the making and administration of our laws insist upon following precedent, they should follow the precedent established by the first law of this nation, the Declaration of Independence, and pattern American justice upon "the laws of nature and of nature's God." "What we do, indeed, must be founded on what he has done; and the deficiencies of our laws must be supplied by the perfections of his. Human law must rest its authority, ultimately, upon the authority of that law, which is divine."[13]

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The Declaration of Independence named this nation, "The United States of America." The thirteen colonies were united, however, only by the common beliefs expressed by that instrument, and for the common purpose it initiated. Separation

[12] James Madison: Letter to Peter S. Duponceau, August, 1824.
[13] James Wilson: "Of the General Principles of the Law and Obligation."

from England made them thirteen, individual, sovereign governments. There was, indeed, a national spirit, but no national organization. A united nation is as essential to the perpetuation of democracy, as unified society is to the individual man.

At the same time as the Continental Congress proposed independence, it also provided for a confederation of these individual governments. More than a year elapsed before the Articles of Confederation were finally adopted. These articles created an association of states only, not an organization of the people themselves. As Jefferson stated: "Before the revolution there existed no such nation as the United States; they then first associated as a nation, but for special purposes only."[14]

The Articles of Confederation made but few provisions of a national character. The most important was the continuation of the Continental Congress of representatives from the separate states. This Congress was given scarcely more authority than it had previously exercised. The effect of the instrument was mainly to confirm such unity as already existed, and to provide for its perpetuation.

A definite part of our political belief was that government was created by a direct compact entered into between the people themselves. The state constitutions were considered such compacts, but the governments of the states, and not the people themselves, had associated to form the Confederation. There existed no relationship between the people and this association of states. In turn, the Confederation had no direct authority over the people. "The fundamental defect of the Confederation was, that Congress was not authorized to act immediately on the people and by its own officers."[15]

The failure to create a strong national government was not because there is any democratic principle opposed to a united

[14] Thomas Jefferson: Letter to Edmund Randolph, August 18, 1799.
[15] Thomas Jefferson: Autobiography.

nation. A stronger unity is both natural and necessary to democracy. Those who really knew democratic principles did not look with favor on the individual sovereignty of the states, but considered it "dangerous because it is defective in the power necessary to support it. It answers the pride and purpose of a few men in each State, but the State collectively is injured by it."[16] The doctrine of state sovereignity is not a necessary part of our American philosophy; it was merely a temporary condition.

The Revolutionary fathers left the task of welding the separate states into a nation to the future. They made only a timid beginning toward a complete political democracy for one reason alone. That was fear; fear of government such as existed in the rest of the world at the time of our Revolution. A great majority of our people have always thought of government in terms of monarchy. The fact that a government, founded upon democratic principles, is the exact reverse of a government founded on any other principle, was apparently not understood by most Americans at that time, nor is it fully realized today. A monarchy, or an aristocracy, is indeed a device "for maintaining in perpetuity the place and position of privileged classes," as against the rights of the people; but a democracy "is a device for maintaining the rights of the people, with the ultimate extinction of all privileged classes."[17]

[16] Thomas Paine: Memorandum from Paine to Jefferson probably in 1788.
[17] Calvin Coolidge: Address in Philadelphia, September 25, 1924.

CHAPTER XIX

# A MORE PERFECT UNION

*"No society can make a perpetual constitution."*

THOMAS JEFFERSON.[1]

THE ten years following the Declaration form a critical period in our history. By the time the war ended, increasing hardships had robbed the victory of much of its sweetness. Disturbed economic conditions prevented Congress from rewarding the veterans for their many sacrifices, except by grants of land. With commodities at exorbitant prices in terms of continental currency, land was better than money, but much of its value was lost in the distribution. Large choice parcels went to officers, who could only hold them for future speculation, while most of the soldiers in the ranks received only their stipulated pay in currency. Occasional rebellions found ready recruits among these disappointed veterans. To the critical conditions, the lack of a strong national government added confusion. James Wilson attributed our troubled affairs to this main cause. "When we had baffled all the menaces of foreign power, we neglected to establish among ourselves a government that would insure domestic vigor and stability. What was the consequence? The commencement of peace was the commencement of every disgrace and distress, that could befall a people in a peaceful state."[2]

[1] Thomas Jefferson: Letter to James Madison, September 16, 1789.
[2] James Wilson: Address Opening Pennsylvania Convention to Consider the Constitution, November 26, 1787.

There was no central agency to utilize the great economic force which might have been developed from a truly United States. Instead, there was merely an association of separate states, each pulling in its own way, with its actions dictated only by self-interest. The states indulged in sectional competition, and even commercial sabotage by taxation, embargoes and boycotts, in the hope of building up their own trade at the expense of the others. Old colonial distrust was revived with the breaking out of boundary line disputes dating back to their separate royal charters. It was under such conditions, that the doctrine of "states rights" made its appearance as an expression of their "individual sovereignty."

The economic strength of the colonies had been taxed to the limit. Cut off from the supply of English products, the colonies had developed industries of their own with remarkable speed; but these were still unable to meet both our normal wants and the drains of war. They were totally incapable of supporting the quantity of currency which Congress had been compelled to issue. With the war over, the power of Congress to obtain subscriptions from the states ended, and the states were interested only in their own finances.

America needed the manufactured articles of other countries, but, without acceptable money, or a stable financial structure, we could obtain but little help from European nations. It was necessary to turn for help to the wealthy within our own midst. Unfortunately most of these, beneath their pretense of patriotism, were still tories at heart. Included within this group were the rich southern planters, many of the business and merchant men, and some of the most influential members of the professions. By turning to them for help, democracy was forced to play into the hands of its enemies. The war had ended, but the revolution had just begun.

However, the period was not without its gains toward democracy. In the legislatures of the various states, repre-

sentatives from among the common people were beginning to demonstrate an understanding of its meaning. They were abolishing many of the political inequalities, and occasionally removed an economic inequality. Some of the vast landed tory estates were taken over, and property laws changed by mild reform of feudal principles. Democracy was carried beyond the political phase into the economic and social structures.

The wealthy and propertied groups feared this spread of democracy might topple over their fortunes. All the existing political and economic ills were blamed on democracy. Though a democracy had but partially been established, they insisted "the evils we experience flow from the excess of democracy."[3] The effects of the war, the lack of development of the colonies, and their own refusal to support any form of colonial government were overlooked. This pernicious propaganda only made conditions less trustworthy, and destroyed the public confidence.

At this stage, the trend toward reaction caused many to forsake democratic principles, and favor either an aristocracy or a monarchy. John Adams, though a strong advocate of democracy, for the time turned to what he termed "a natural aristocracy," while Hamilton, and many others, openly suggested monarchy. Some even advocated the setting up of a dictatorship. In the Virginia Assembly such a proposal "lost only by a few votes."[4]

It appeared that the step from a monarchy to a democracy was too great for that time. Wealth and aristocracy stood in the path, and by withholding its support, was able to dictate its own terms. They demanded a strong central government capable of protecting their "property rights," stabilizing the financial situation so that their position as creditors would be

[3] Remarks of Elbridge Gerry in the Constitutional Convention.
[4] Thomas Jefferson: Letter to Arch. Stuart, September 8, 1818.

secure, and a government able to meet interest on its bonds, which they either held, or proposed to purchase. On the other hand, if democracy was to survive, it likewise required first, better economic cooperation between the states, which could be had only through a sound financial structure; and secondly, greater political cooperation, which it could obtain only through a stronger central government.

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It was at this period of reaction that the Constitution was conceived. The invitation issued by Congress to the states, in 1787, was to send delegates to a convention "for the sole and expressed purpose of revising the Articles of Confederation,"[5] not to write a new Constitution. But those who stood in back of the movement knew that nothing but an entirely new Constitution would serve the "interests" which were to be served. They felt state legislatures elected by a people, fired with democratic ideas, could not be trusted to respect "property rights," nor give them the security they desired for their wealth and position. A strong central government, particularly of a different type, was needed for this purpose.

As soon as the constitutional convention was under way, it was evident the result would be an entirely new form of government. It was also evident that our democratic principles were to be compromised to serve the interest of wealth and aristocracy, even to the point of the establishment of a monarchy, if necessary.

Numerous proposals of this character marked the meetings. Alexander Hamilton suggested a Senate for life, similar to the English House of Lords, which he declared was "a most noble institution." He followed this by hinting that the "hereditary

[5] Journals of the Continental Congress, February 21, 1787.

interest" of a king was an advantage to the nation, but he compromised by proposing an executive for life.[6] The insistence of James Wilson was responsible for the President being elected "by the people" every four years.[7]

Aristocracy made a more determined effort. The possession of wealth was to be the qualification for public office. The minimum property requirement for President was to be "not less than one hundred thousand dollars," while judges and congressmen could qualify at half price. The wit of Benjamin Franklin saved our nation from this disgrace by the statement, that "some of the greatest rogues he ever was acquainted with were the richest rogues."[8]

More serious consideration was given to the suggestion of Gouverneur Morris, that "since property was the main object of society . . . property ought to be taken into the estimate as well as the number of inhabitants in apportioning the representation of the various states in Congress."[9] After long argument, only one state favored this direct motion for an aristocracy.

By apportioning the representation in the Senate by states, without regard to population, and by keeping the selection of Senators remote from the people, the Senate was intended to become "the Aristocratic body," as opposed to the House of Representatives which was to be "the democratic body."[10] It was stated by George Mason, that "one important object in constituting the Senate was to secure the rights of property."[11] As later frankly stated by Madison, in the Federalist Papers, the Constitution was not based on our philosophy of equality,

[6] Madison's Notes of the Constitutional Convention for June 18, 1787.
[7] Madison's Notes of the Constitutional Convention for September 11, 1787.
[8] Madison's Notes of the Constitutional Convention for August 10, 1787.
[9] Madison's Notes of the Constitutional Convention for July 5, 1787.
[10] Madison's Notes of the Constitutional Convention for July 2, 1787, remarks of Gouverneur Morris.
[11] Madison's Notes of the Constitutional Convention for June 27, 1787.

but represented an attempt to coordinate the actual inequalities that then existed.[12]

The failure of the Constitution to contain a Bill of Rights raised the most serious discussion of the convention, and later was the most serious objection to its ratification. The people of America were very much alive to safeguarding their "equal natural rights." Few understood the true relationship of democratic government to the people, and distrust of government was hereditary from the era of British tyranny. Each of the state constitutions contained such a declaration of rights, and the federal Constitution was expected to do the same.

The proposal of George Mason, that the plan of government be prefaced with a Bill of Rights, was defeated. There were many sound and honest reasons for omitting from the Constitution such tabulations of the rights of the people. Roger Sherman argued, "The state declarations of rights were not repealed by this Constitution and, being in force are sufficient."[13] Madison likewise pointed out that such a declaration did "no more than state the perfect equality of mankind. This, to be sure, is an absolute truth, yet it is not absolutely necessary to be inserted at the head of a Constitution." Referring to the Declaration of Independence and the State Constitutions, he said, "those rights of the people which had been established by the most solemn act, could not be annihilated by a subsequent act of that people."[14]

James Wilson pointed to the fundamental difference between our government and that of England: "The boasted Magna Charta of England derives liberties of the inhabitants

[12] See The Federalist Papers, No. 10.
[13] Madison's Notes of the Constitutional Convention for September 12, 1787.
[14] James Madison: Re: Constitutional Amendments, June 8, 1789.

of that kingdom from the gift and grant of the king, and no wonder the people were anxious to obtain Bills of Rights; but here the fee-simple remains in the people, and by this Constitution they do not part with it. The preamble to the proposed Constitution, 'We, the people of the United States, do establish,' contains the essence of all the Bills of Rights that have been or can be devised."[15] Benjamin Rush was said to have remarked it "would be absurd to frame a formal declaration that our natural rights are acquired from ourselves."[16] These were indeed sound arguments, if the fundamental nature of our government had been understood.

The people were entrusting rights to the government; the Constitution was merely an instrument creating such an agency to exercise the rights entrusted; all other rights remained in the people without the necessity of a Bill of Rights. But the people, even those who did understand, had good reason for wanting such a statement written into the instrument in black and white, and not left for future construction by courts, which might hold medieval precedent above the fundamentals of our government. Many, who favored the omission of a Bill of Rights, were not motivated by these same honest reasons, but hoped the omission would tend to defeat democracy.

Patrick Henry, always a champion of liberty, fought against the ratification of the Constitution on the ground that "all pretensions to human rights and privileges, are rendered insecure, if not lost. . . . Is this tame relinquishment of rights worthy of freemen? Is it worthy of the manly fortitude that ought to characterize republicans?"[17] His state of Virginia ratified the Constitution only on condition that a Bill of Rights be added by amendment.

The first ten amendments to the Constitution were intended

[15] James Wilson: Pennsylvania Convention for Considering the Constitution.
[16] Cited in McMaster and Stone: "Pennsylvania and the Federal Constitution."
[17] Patrick Henry: Address to Virginia Convention to Consider the Constitution, June 5, 1788.

as a fulfillment of this condition. Our courts frequently refer to these amendments as our "Bill of Rights" and interpret them as though they were the source of our rights. This demonstates that even the highest tribunals can be ignorant of fundamental principles. Our rights originate from a higher authority than any human constitution.

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The finished product of the constitutional convention was not viewed as perfection by anyone. In many instances the criticism was extremely harsh. Washington, although he acted as the presiding officer, admitted it was "not free from imperfections—there are as few radical defects in it as could well be expected, considering the heterogeneous mass of which the convention was composed and the diversity of interests that are to be attended to."[18] Several members of the convention flatly refused to sign the Constitution. George Mason gave as his reason "that it would end either in monarchy or a tyrannical aristocracy, which he was in doubt, but one or the other he was sure."[19] Jefferson writing from France, where he was serving as Ambassador, was specific. He wrote, "I will now tell you what I do not like. First, the omission of a bill of rights, providing clearly and without the aid of sophism, for freedom of religion, freedom of the press, protection against standing armies, restriction of monopolies, the eternal and unremitting force of the habeas corpus laws, and trials by jury in all matters of fact triable by the laws of the land, and not by the laws of nations."[20]

Jefferson favored its adoption on the ground: "It will be

[18] Cited in "History of American Political Thought," by Raymond Gettell.
[19] James Madison: Notes of the Constitutional Convention for September 16, 1787.
[20] Thomas Jefferson: Letter to James Madison, December 20, 1787.

more difficult, if we lose this instrument, to recover what is good in it, than to correct what is bad, after we shall have adopted it."[21] He recognized it contained many defects, which he said: "is the ordinary case of all human works. Let us go on then perfecting it, by adding, by way of amendment to the Constitution, those powers which time and trial show are still wanting."[22]

Thomas Paine charged, "As the Federal Constitution is a copy, though not quite so base as the original, of the form of the British government, an imitation of its vices was naturally to be expected." He added, "It was only the absolute necessity of establishing some federal authority, extending equally over all the states, that an instrument so inconsistent as the present federal constitution is obtained a suffrage."[23]

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The adoption of the Constitution was not the result of popular approval. John Adams charged "The Constitution was extorted by grinding necessity from a reluctant people."[24] Property qualification for franchise, still existing in most of the states, excluded from voting a great body of the people who were decidedly opposed to it. Only about five per cent of the population actually voted on its adoption. Of those who favored it, many did so because they had speculated in government securities or western land, both of which were expected to rise in value with the establishment of a strong central government.

Despite the provision of the Articles of Confederation that it could be amended only with the unanimous consent of all the

[21] Thomas Jefferson: Letter to Will Carmichael, May 27, 1788.
[22] Thomas Jefferson: Letter to Wilson C. Nicholas, September 7, 1803.
[23] Thomas Paine: Letter to George Washington, July 30, 1796.
[24] Cited in "Essentials American Tradition," Jesse Lee Bennett.

states, the Constitution went into effect when only nine of the thirteen states had ratified it.

It was generally considered that the setting up of a new government under the Constitution amounted to a "revolution." Some viewed with pride this working out of our revolutionary philosophy. James Wilson proclaimed: "To the operation of these truths, we are to ascribe the scene, hitherto unparalleled, which America now exhibits to the world—a gentle, a peaceful, a voluntary, and a deliberate transition from one constitution of government to another."[25] Jefferson added: "The example we have given to the world is single, that of changing our form of government under the authority of reason only, without bloodshed."[26]

Patrick Henry, also viewed the Constitution as a revolution, but was less optimistic. He declared, "Here is a revolution as radical as that which separated us from Great Britain." The term radical was used in the sense of reaction, for he feared that "in this transition, our rights and privileges are endangered."[27]

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The Constitution was not the beginning of our national government, as some Americans believe. It was merely another step in our evolution toward a national government, which is still far from complete. This historic fact is so important to an understanding of our government that Abraham Lincoln felt obliged to restate the fact in his first inaugural address. He said: "The Union is much older than the Constitution. It was formed, in fact, by the Articles of Association in 1774. It was matured and continued by the Declaration of Independence

[25] James Wilson: Address in Pennsylvania Convention, November 26, 1787.
[26] Thomas Jefferson: Letter to Mr. Izard, July 17, 1788.
[27] Patrick Henry: Address to Virginia Convention, June 5, 1788.

in 1776. It was further matured, and the faith of all the then thirteen states expressly plighted and engaged that it should be perpetual, by the Articles of Confederation in 1778. And, finally, in 1787 one of the declared objects for ordaining and establishing the Constitution was 'to form a more perfect Union.' "[28]

Our political development toward a complete national organization has always lagged behind our natural tendency to unite as a nation. We have been drawn together largely by our common beliefs and common interests. These interests have constantly increased with our national progress. The sole gain through the Constitution was the fact that a "more perfect union" was established. This was sufficient to make up for the generally undemocratic aspect of the Constitution itself. Its effect was to crystallize existing inequalities rather than remove them. It was an instrument of stabilization, not reform. Since that time our gains toward democracy have been through amendment, rather than a retention of its original terms.

The Constitution was considered so reactionary that friends and foes of democracy were divided into factions by the fight for its ratification. The two political parties, the Federalists and the Anti-Federalists, developed from these factions. Those who were opposed to democracy rallied behind the Constitution. Madison, the Father of the Constitution, admitted that, "Among those who embraced the Constitution, the great body were unquestionably friends of republican liberty; tho' there were, no doubt, some who were openly or secretly attached to monarchy and aristocracy; and hoped to make the Constitution a cradle for these hereditary establishments."[29]

The threat of a monarchy, or an aristocracy, caused many who favored democracy to oppose any strengthening of the

[28] Abraham Lincoln: First Inaugural Address, March 4, 1861.
[29] James Madison: Article in National Gazette, September 26, 1792.

national government, lest it might be turned against the people. This remained a real danger for almost a generation after the Revolution. It was at its height during Washington's administration. Jefferson, himself Secretary of State to Washington, is said to have remarked that half of Washington's cabinet favored monarchy. Jefferson also related, "There was indeed a cabal of the officers of the army who proposed to establish a monarchy and to propose it to General Washington. He frowned indignantly at the proposition. . . . But they never dared openly to avow it, knowing that the spirit which had produced a change in the form of government was alive to the preservation of it."[30]

Under such conditions it was only natural for Jefferson to fear a strong national government which might be converted into a monarchy, and for this reason alone he opposed it. Jefferson's words and writings, at this period, have frequently been misused as arguments against the natural expansion of national government. Jefferson was never opposed to a strong peoples' government but did fear a strong government that might be distorted into a monarchy or an aristocracy. It will be noticed that later, when our government became stable, Jefferson was an advocate of greater national power. His acts as president were all toward this end. He knew the danger was past, and that the American government was to be the peoples' means of self-government.

In the quest for our American philosophy we must be careful not to be confused by policies dictated by the exigencies of the moment. During our history those who opposed democracy have frequently changed places with the friends of democracy, particularly on the advisability of extending the powers of the government. When our government became the implement for effecting democracy, it was to the peoples' interest to add to its power. The gradual evolution toward a more

[30] Thomas Jefferson: Notes in Vol. 5 of Marshall's "Life of Washington."

complete national government has been greatly to the advantage of democracy.

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The history of civilization has been a constant struggle between the laws of nature and the feeble ordinances of man. The history of our nation has been a similar struggle between the sound philosophy expressed in the Declaration of Independence, and the doctrines written into the Constitution in order to compromise all the interests and inequalities that were represented in its making. Every crisis of this nation has witnessed one or more changes in the Constitution. This will always be the certain outcome, for when the laws of man conflict with the laws of nature, the laws of man must be amended. The effect of amendment has been to make the Constitution conform more nearly with the philosophy of the Declaration of Independence. True friends of the Constitution should work for the ultimate achievement of this ideal.

The Constitution bestowed upon itself the title of "the supreme law of the land." Such supremacy could only refer to similar laws, laws made by man. The writers of the Constitution were neither so vain, nor unwise, as to claim their efforts to be supreme over "the law of nature and of nature's God."

The Declaration of Independence is both the first law of this nation and an expression of our philosophic beliefs. Nothing in the Constitution ever repealed or could repeal a single word contained in it. Our right to exist as a nation depends upon the "self-evident truth" of that instrument. The Constitution should always be interpreted as an attempt to effect, by legal enactment, the purposes expressed in the Declaration of Independence. In construing the terms of the Constitution our courts should bear in mind the observation of Samuel Adams: "Before the formation of this Constitution, it had been affirmed

as a self evident truth, in the Declaration of Independence, very deliberately made by the Representatives of the United States of America in Congress assembled that, 'all men are created equal, and are endowed by their Creator with certain inalienable rights.' This Declaration of Independence was received and ratified by all the States in the Union, and has never been disannulled."[31]

[31] Samuel Adams: Address to the Legislature of Massachusetts, January 17, 1794.

## CHAPTER XX

# REMOVING POLITICAL INEQUALITIES

*"No man is good enough to govern another man without that other's consent."*

ABRAHAM LINCOLN.[1]

THE Declaration stated that the source of government is "the consent of the governed." Despite this expression of sound principle, many Americans have been forced to submit to government without a voice in its affairs. The assignment of unequal rights in a monarchy or an aristocracy would be logical, but inequality of franchise in a democracy is a contradiction. In some nations any right of suffrage is considered a privilege bestowed by a kindly but despotic government upon a few fortunate citizens; in America it is a right of all members of society; it is the means by which society designates its trustees, hence the source of all authority.

"Of the science of just and equal government, the progress, as we have formerly seen, has been small and slow. Peculiarly small and slow has it been, in the discovery and improvement of the interesting doctrines of election and representation. If, with regard to other subjects, government may be said, as it has been said, to be still in its infancy, we may, with regard to this subject, consider it as only in its childhood. And yet this is the subject, which must form the basis of every government, that is, at once, efficient, respectable, and free."[2]

The governments set up by the various states after the

[1] Abraham Lincoln: Reply to Sen. Douglas, Peoria, Ill., October 16, 1854.
[2] James Wilson: "Lecture on the Legislative Department," 1790.

Declaration were, for their time, by far the most democratic governments in the world. Although they embodied many of the principles of political democracy, some of the basic fundamentals of such an ideal state were missing. A government founded on the principle of the consent of the governed should require that consent to be ascertained on the basis of absolute equality. Unfortunately for democracy, most of the states retained their colonial laws of franchise long after the Revolution. Religious tests, both for voting and holding office, were generally the rule in those colonies that had been founded for religious reasons. Property qualifications for the right of franchise were universal. Of course, none of the states granted any rights of citizenship to the negro slave, and their gallantry stopped short of according equality to women.

The Constitution did not remove any of these political injustices. It was not intended as an instrument of reform, hence continued all existing political and economic inequalities. It was to serve the time, not the future; amendments could attend to that. The lack of political democracy in the states was faithfully reflected in its provisions, which did not alter the method of franchise, but permitted each state to select its representatives in accordance with its own laws.

These conditions of political inequality asserted their force during the early administrations, and made the end of the century a period of reaction away from democracy. The affairs of the country were influenced largely by a military group backed by the financial interests. It was not until they overstepped the bounds of reason, in an attempt to stifle freedom of speech through the Alien and Sedition Acts, that the country threw aside all thoughts of monarchy and aristocracy, and definitely cast its lot with democracy.

The first inequalities of citizenship to be removed were the religious restrictions. Most of the colonies had been founded by particular religious sects, and it was natural for them to consider similarity of religious belief a necessary qualification for membership in their society. Faith in Christianity was an essential, both for voting and holding office in all the colonies. But the majority of the colonies went further and imposed sectarian requirements usually excluding Roman Catholics from public office. The state was often so closely allied with the church that taxes were imposed to support the churches.

The democratic sentiment at the time of the Declaration swept aside many of these restrictions. In setting up their new governments, most of the states eliminated religious tests for voting and compulsory support of churches. Jefferson led the attack in Virginia with the statement, "that our civil rights have no dependence on our religious opinions."[3] Roger Sherman, who served on the Committee to draft the Declaration, carried on the fight against intolerance in New England.

Religious qualification for public office withstood this first attack of democracy, and lingered in the laws of the states for over fifty years. It was not until 1833 that the last of these tests were finally removed, and the separation of church and state completed.

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One of the accomplishments of our Declaration was to transform government from an organization of private interests to an organization of all society. Prior to its proclamation that the purpose of government was "to secure these rights," meaning all the equal rights of man, the sole object of government was thought to be the protection of property. The method of financing government went hand in hand with the purpose of

[3] Thomas Jefferson: Virginia Bill for Establishing Religious Freedom.

government. Taxes on property paid the expenses of government, and government in turn protected property. Government was in every sense a private financial organization.

The theory of democratic government is the reverse of other governments. Though the method of financing government by taxation has not been altered; the purpose of government and the right to representation in its affairs is placed upon the basis of human liberty, rather than upon property. The right to govern another depends upon his consent, not upon his contribution to the expense of government. To govern without this consent is an infringement of liberty.

It has been difficult for many, particularly those whose sole interest in life is acquiring property, to grasp the true significance of the American concept of liberty. Starting from the colonial slogan that "taxation without representation is tyranny," they conjure up the conclusion that their greater contribution to the expenses of government entitles them to more representation in its affairs, and that any other arrangement is an infringement of their "American liberty." Unfortunately for this argument, American liberty is not a matter of property, but of humanity. "If property is to be made the criterion, it is a total departure from every moral principle of liberty, because it is attaching right to mere matter and making man the agent of that matter."[4] Only a democracy with equal human representation, could possibly achieve our purpose of securing the equal rights of all. All proprietary interests, depending on royal charters, were immediately swept aside by the Declaration; but the transformation in government was not perfected. The constitutions of the various states, for the most part, continued the colonial property qualifications for the right to vote. These varied from a nominal poll tax to the requirement that the citizen be a freeholder of a substantial estate. The Constitution of the United States was

[4] Thomas Paine: "First Principles of Government."

approved under these election laws, which disqualified a great majority of the people.

New states entering into the union, with few exceptions, came in without any property requirements for the right of suffrage. This gave these states a greater electorate, and a stronger proportionate power in the government. The older states slowly awoke to the necessity of dropping their property qualifications, and adopted the principal of full manhood suffrage. The gradual transition was completed before the Civil War, except for the nominal poll tax that still remains in some states.

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The movement against slavery was well under way before our Revolution. At that time the purpose of the attack was to end the slave trade, not to abolish slavery. "In 1774 the Continental Congress pledged itself, without a dissenting vote, to wholly discontinue the slave trade, and to neither purchase nor import any slave; and less than three months before the passage of the Declaration of Independence, the same Congress which adopted that declaration unanimously resolved 'that no slave be imported into any of the thirteen United Colonies.' "[5]

Up to the time of the Declaration no political rights had ever been granted to the negro. To the philosophy of that instrument alone, the American negro owes both his citizenship and his freedom. The same minds that conceived and gained the Independence of America, also directed the force of their beliefs against slavery.

The early literary efforts of Thomas Paine had for their target "the horrid cruelties" of "this wicked practice" . . .

[5] Abraham Lincoln: Address to 1st Republican State Convention of Illinois, Bloomington, May 29, 1856.

"in violation of sacred and natural ties." Soon after his arrival in America he opened the attack on slavery by charging England with conducting the slave trade against the wishes of the colonies, and predicting it would ultimately cause our independence.[6]

Jefferson, inspired by the forcefulness of Paine's arguments, wrote into the original draft of the Declaration of Independence a bitter tirade against slavery and against George III for his part in the slave trade. Jefferson charged: "He has waged cruel war against human nature itself, violating its most sacred rights of life and liberty in the persons of a distant people who never offended him, captivating and carrying them into slavery in another hemisphere, or to incur miserable death in their transportation thither. This piratical warfare, the opprobrium of INFIDEL powers, is the warfare of the CHRISTIAN king of Great Britain. Determined to keep open a market where MEN should be bought and sold, he has prostituted his negative for suppressing every legislative attempt to prohibit or restrain this execrable commerce. And that this assemblage of horrors might want no fact of distinguished die, he is now exciting those very people to rise in arms among us, and to purchase that liberty of which he has deprived them by murdering the people on whom he has obtruded them, thus paying off former crimes committed against the LIBERTIES of one people with crimes which he urges them to commit against the LIVES of another."[7] So closely did this clause resemble the wording of an essay by Paine,[8] that some biographers have even credited Paine with having written this part of the original Declaration.[9]

[6] See Paine's Essays: "African Slavery in America," March 8, 1775, and "A Serious Thought," October 18, 1775.

[7] Thomas Jefferson: Original Draft of the Declaration of Independence.

[8] See Paine's, "A Dialogue between the Ghost of Gen. Montgomery, just returned from Elysian Fields, and an American Delegate in a Wood near Philadelphia."

[9] See Moncure Daniel Conway's "Life of Thomas Paine."

It was only the necessity of preserving harmony that forced the Continental Congress to accede to the objections of South Carolina and Georgia, and omit this clause from the Declaration, when finally adopted. The effect of the clause, however, was not lost, for there remained in the Declaration the seeds of the ultimate abolition of slavery. The principle that "all men are created equal" was destined to apply its inevitable force to free the negro slave. The effect of this philosophy was immediately asserted. English critics of the Declaration of Independence pointed out the inconsistency between the theories of the Declaration of Independence and the retention of the practice of slavery.[10] In Massachusetts the Declaration was sucessfully pleaded as law in an effort to free a slave.[11] Soon afterwards many of the northern states emancipated the negro, and gave him limited rights of franchise. One of the "great causes of the general melioration in the lot of the slaves since the establishment of our independence," was attributed by Madison to "the sensibility to human rights."[12]

More urgent political problems, which arose during the critical period that followed the Revolution, caused interest in the slavery question to wane for the moment. Soon afterwards, however, the territorial expansion, with the consequent admission of new states, revived its importance. By 1830, it had become a leading political issue. The American principles of "equal human rights," "sovereignty of the people," "liberty," and "consent of the governed" played a prominent part in the discussion. As usual these principles were used and abused to serve both sides of the controversy.

In 1831, William Lloyd Garrison published his magazine, the "Liberator." The American Anti-Slavery Society formed by him in 1933, adopted a declaration of principles following

[10] See "Strictures upon the Declaration of the Congress in Philadelphia (1776)," by Thomas Hutchinson.

[11] The Quaco Case, cited in H. G. Wells, "Outlines of History."

[12] James Madison: Letter to Robert Walsh, March 2, 1819.

closely the Declaration of Independence. The attack on slavery of this society was based on the principles that "all men are created equal," that there existed a higher law than the Constitution, that the right to liberty was both equal and inalienable, and that slavery was in defiance of natural law and natural rights.

The defenders of slavery labeled the Declaration of Independence "a self-evident lie," and its principles "glittering generalities." They denied the equality of man, and the whole principle of natural rights. Inequality was held to be necessary to progress and initiative. They spoke of natural classes and superiorities, and insisted there was no right principle of action but self-interest. Slavery even had its advocates in the ranks of religion who claimed it was both Christian and "morally beneficial to both races." They were able to support their views with quotations from the scriptures.

Congress and the political parties sought to avoid the issue. When directly confronted they arbitrated, compromised and delayed. Petitions to Congress dealing with the slavery question were laid on the table and no action taken, on the ground "there existed no constitutional authority to interfere." The admission of every state and territory of necessity raised the question by upsetting the balance between free and slave states, in favor of abolition.

The artificial division of the states, into slave states and free states, only drew the lines of the controversy more sharply. Runaway slaves would make for the north in the hope of gaining their freedom. The fugitive slave law, requiring the return of these slaves to their owners, was not respected by northern sympathizers. On the other hand, the slave owners looked upon the slave as their chattel property, which they could move from place to place, even into a northern free state, without changing the status of the slave. It became obvious

that the division of the nation could not be maintained, that our government could not endure, half slave and half free.

In 1855, the conflicting viewpoints on slavery became centered in a case argued before the Supreme Court of the United States. Dred Scott, a negro slave, had been taken by his master from a slave state into a free state and there held in slavery. During the four years he was in a free state he married and had children. The family was then returned to slave territory. The court was confronted by the question whether residence in the free state had given Dred Scott his freedom, or whether he remained a slave and his children automatically became the chattel property of the slave owner.

The case was twice argued and the decision delayed until 1857. In the meantime the attention of the entire United States was focused on the Dred Scott case. Both sides eagerly awaited the decision of Chief Justice Roger Taney.

In deciding against Dred Scott and his family, in favor of slavery, Taney found it necessary to answer the broad principle of the Declaration of Independence that "all men are created equal." In his opinion Justice Taney admitted, "The general words above quoted would seem to embrace the whole human family, and if they were used in a similar instrument at this day would be so understood." Then he added, "But it is too clear for dispute, that the enslaved African race were not intended to be included and formed no part of the people who framed and adopted this declaration."[13]

This misinterpretation of the intent of the Declaration and its authors brought forth the immediate and defiant reply from Abraham Lincoln, "This they said, and this they meant." He followed by clearly interpreting the meaning of the phrase "all men are created equal" by declaring it applied "to all people of all colors everywhere," and that it was intended as

[13] Dred Scott vs. Stanford, 19 Howard 393 (1857).

a declaration of right, the enforcement of which would "follow as fast as circumstances should permit."

Roger Taney retreated behind his judicial robes, while his decision was defended by Stephen A. Douglas in a series of debates which brought forth from Lincoln a complete discussion of the American principle of equality.

In a democracy, the source of all authority and the court of last resort is the people. Their decision, reversing the Supreme Court, was handed down a few years later when Abraham Lincoln was elected to the presidency. At the inauguration, Chief Justice Taney administered the oath of office to Lincoln, while Stephen A. Douglas held the hat of the new President.

The secession of the southern states raised another issue of the meaning of our American principles. In his inaugural address, Jefferson Davis based the right of the Confederacy to secede on the theory of government "by the consent of the governed," and quoted the Declaration of Independence as his authority. The right of secession had been under discussion for a generation. Daniel Webster had argued that the Constitution was more than a compact between the states, that it was a direct compact between all the people, hence could not be avoided except by a vote of all the people of the nation. This was right as far as it went, but unfortunately, in forming the Constitution the people had by their compact failed to create a complete nation, and had left the sovereignty in the states. In asserting their right to secede, the southern states were undoubtedly right, but in asserting their reason they were wrong, for in ascertaining whether or not to secede, they had failed to ask the consent of a vast part of their people, the negro slaves.

The removal of the inequality of slavery had been too long delayed. The Civil War followed as a natural consequence. Its history remains as a grim reminder of an attempt to frustrate the inevitable trend toward equality.

The remedy, amendment of our constitution, was finally applied too late to prevent disaster. The adoption of the thirteenth, fourteenth and fifteenth amendments, in 1865, 1868 and 1870 respectively, were intended to give to the negro his freedom and full rights of citizenship. In frank recognition of fact, it must be admitted that the spirit of these amendments has been avoided by every possible device. It is to the disgrace of our courts that many of these devices have been upheld. Even recently a political party, in complete control of a state, refused party membership to the negro. Without a voice in party affairs, the negro was effectually disfranchised, and the subterfuge declared legal by the Supreme Court.[14]

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The total disfranchisement of half of the inhabitants of the earth, from its beginning until the present generation, was due to solemn acceptance of the doctrine of "female inferiority." Just so surely as the earth was flat, so it was merely "a man's world." Such apparent fallacies had for their support all the other doctrines of inequality, including the "divine right of kings." The right of man to be absolute over woman was only part and parcel of the general doctrine of "God given superiority."

A famous champion of the "divine right of kings" once expressed the similar doctrine of "divine right of men," as follows, "we know that God at the Creation gave the sovereignty to the man over the woman, as being nobler and principal agent in generation."[15] This silly argument was ridiculed by John Locke as denying woman "an equal share in begetting of the child."[16] Yet for no better reason, the right of women

[14] Grovey vs. Townsend, 295 U.S. 40 (1935).
[15] Sir Robert Filmer: Cited by John Locke in "False Principles of Government."
[16] John Locke: "False Principles of Government."

to participate in government had been denied since the beginning of time.

This obvious inequality was brought to the attention of America, as early as 1775, by Thomas Paine.[17] Lincoln considered the equal "privileges of government . . . by no means excluding females," as part of his political views, as early as 1836.[18] The movement for woman's suffrage took definite political form in 1848 when a convention at Seneca Falls, New York, drew up a "Declaration of Sentiments" basing women's rights on the principle of equal rights and the theory of the consent of the governed, as expressed in the Declaration of Independence. In 1869, while the enfranchisement of the negro was under consideration, Susan B. Anthony urged amendment of the Constitution to include women. Constantly growing sentiment, over a period of three-quarters of a century, finally brought success with the adoption of the 19th amendment, in 1920.

The addition of the women to our electorate nearly doubled the number of voters, and should in time prove an effective force toward the further application of our American principles. Women, having suffered so long under the stigma of political inequality, in exercising their new franchise, will no doubt prove themselves champions of other equalities.

Within a century and a half political equality of the individual was completely established in our laws. "The consent of the governed" became a reality, at least in theory. The general trend toward complete democracy was accelerated by this advance, but inequalities in the economic and social structures

[17] Thomas Paine: "Occasional Letter on the Female Sex," published in the Pennsylvania Magazine, August, 1775.
[18] Abraham Lincoln: Letter to "The Journal," June 13, 1836.

remain to taint the purity of our political equality. The bribery and corruption which lurks in our political structure, is the result of influences from without, not within. These blemishes do not reflect upon democracy, but only demonstrate the necessity of removing other inequalities so that our political democracy may be perfected in practice.

CHAPTER XXI

# OUR PRESENT POLITICAL STRUCTURE

*"The circumstances of the world are continually changing and the opinions of men change also; and as government is for the living, and not for the dead, it is the living only that has any right in it."*

THOMAS PAINE.[1]

THE highly complex structure of our government, at present, is a contrast to the simple institution erected over a century and a half ago. The only resemblance lies in its fundamental principles. These remain, but not merely as theories, for now they are practices, written into our laws and constitutions. They have crowded out the greater part of monarchy, weakened the grasp of aristocracy, and advanced toward political democracy. The last threat of monarchy was stifled within a generation after the Declaration, but aristocracy is more tenacious than monarchy. To-day, the numerous tenacles of wealth are withholding from the people many of the advantages of political democracy, which they struggled so hard to attain.

Constant amendments to the original Constitution finally embodied into that instrument the American principle of equal political representation. To-day every American, regardless of wealth, religion, race, or sex is entitled to an equal voice in the affairs of this nation. This legal equality is marred only by the distorted interpretations of the courts and impediments

[1] Thomas Paine: "Rights of Man."

produced through the pressure of economic and social inequalities.

The right of the individual to an equal voice in the affairs of his government is the guiding force of our political structure. A democracy is totally dependent upon public opinion. It has therefore been suggested: "There ought to be in every nation a method of occasionally ascertaining the state of public opinion with respect to government."[2]

Freedom of speech and press in a simple community presented a simple problem; the town meeting and the ballot were adequate means of ascertaining public opinion in colonial days. In complex modern society the problem of obtaining a faithful expression of public opinion is likewise complex. Costly systems of telephone and telegraph, carry from coast to coast carefully prepared statements, which the radio shouts into the ears of every listener. Tremendous power presses spread syndicated opinions upon whole forests of paper to be read by Americans, as "news." We are no longer dealing with simple freedom of speech and press. The din of manufactured opinion drowns out the voice of the multitude. The vast majority are speechless, while a few have access to powerful means of expression. Sometimes these facilities are used to express the true public opinion, but often those in control use these facilities to masquerade their private opinions as the "voice of democracy." If, as Paine said, "Rebellion consists in forcibly opposing the general will of a nation, whether by a party or by a government,"[3] then to counterfeit public sentiment approaches treason.

The equal right of liberty is reduced to a mere theory when

[2] Thomas Paine: "Rights of Man."
[3] Thomas Paine: "Rights of Man."

unequal wealth gives unequal powers of speech and press. There is, however, a great natural advantage which makes for equality. One word of truth carries greater force than a volume of lies. Our advanced intelligence enables us to discern the truth, and reject the false.

The present mechanism for ascertaining the public opinion is slow and cumbersome, totally out of step with the rapidly changing needs of society. The people individually exchange their sentiments and decisions, constantly and directly by modern means of communication, but society ascertains the wishes of its beneficiaries only at long intervals, indirectly through representatives, and by the same crude methods of election in use centuries ago. The winner of an amateur contest can be determined by radio and telephone in a few minutes, but public sentiments relative to the great issues of life must await an election four years hence.

The power of delay in law and government is well understood by those who use it to their advantage. Great events should produce great changes in the course of society to prevent recurrence of the same catastrophies, but without a means of expressing public sentiment, and by delaying action until the crisis has passed, the opportunity to gain from the experience is lost to society. Within this generation we have witnessed world war and world-wide economic suffering, yet little or nothing has been done to eliminate the fundamental causes.

By ascertaining the public opinion on public questions, at frequent intervals our political democracy can be made a reality. In revolutionary times this was impossible, so we substituted representation, which at best has been a poor substitute, since "factions get possession of the public councils, bribery corrupts them, personal interests lead them astray from the general interests of their constituents."[4] To-day, we have the ability to assemble in a great town meeting, to discuss

[4] Thomas Jefferson: Letter to James Madison, September 6, 1789.

the problems that confront us, to arrive at our conclusions and render a decision, within a brief period. Society need only use the modern means of communication, to make the theory of the social compact, which is the basis of democracy, become a reality. It is possible to imagine a time in the near future, when all Americans will be consulted and voice their decision, before their lives and happiness are gambled in a foreign war.

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The conflict for the ratification of the Constitution introduced political parties into American life. These have developed into powerful organizations reaching into every state, county, ward, and precinct of the nation. Political decisions no longer represent individual expression, but are the selection of a party. Rarely are there more than two contending parties. These twin dictators place their handpicked candidates before the people. They do not ask "What do you want?", but "Which do you take?"

Political parties are natural and necessary institutions under existing political conditions. Jefferson wrote: "Men by their constitutions are naturally divided into two parties: 1. Those who fear and distrust the people, and wish to draw all powers from them into the hands of the higher classes. 2. Those who identify themselves with the people, have confidence in them, cherish and consider them as the most honest and safe, although not the most wise depository of the public interests. In every country these two parties exist, and in every one where they are free to think, speak, and write, they will declare themselves. Call them, therefore, Liberals and Serviles, Jacobins and Ultras, Whigs and Tories, Republicans and Federalists, Aristocrats and Democrats, or by whatever name you please, they are the same parties still, and pursue the

same object. The last appellation of Aristocrats and Democrats is the true one expressing the essence of all."[5]

Political parties in America usually represent these two philosophies. They are either for equality and the principles of the Declaration, or opposed to equality and in favor of retaining existing inequalities. But they do not adhere to their original positions. "In the history of parties and the names they assume, it often happens that they finish by the direct contrary principles with which they profess to begin."[6] All successful political parties begin by adopting the principles of the Declaration. They come into existence at times when a step in the direction of equality is both necessary and popular. They pass out of existence when they lose sight of this objective.

The history of the Democratic and Republican parties illustrate this cycle. The Democratic party rose to power with Jefferson and his sound principles, but before the Civil War the party had shifted its position. Lincoln, as the leader of the new Republican party, observed "how completely the two have changed hands as to the principles upon which they were originally supposed to be divided."[7] The Democratic party began with the principles of Jefferson, which he expressed in the Declaration of Independence. The Republican party began with the principles of Lincoln, who "never had a feeling politically that did not spring from the sentiments embodied in the Declaration of Independence."[8] Alternation in power of these parties has followed to a great degree their adherence to the basic principles of Americanism.

There is always the temptation to place the welfare of the party ahead of the welfare of the people. These huge organi-

[5] Thomas Jefferson: Letter to Henry Lee, August 10, 1824.
[6] Thomas Paine: "To Citizens of the United States," 1802.
[7] Abraham Lincoln: Letter to H. L. Pierce, April 6, 1859.
[8] Abraham Lincoln: Address at Independence Hall, Philadelphia, February 22, 1861.

zations require huge treasuries to keep their organizations together and spread the necessary propaganda to win the approval of America's fifty million voters. The preponderance of wealthy men in high and honorable positions is more than a coincidence. Samuel Adams once expressed the hope that "our country will never see the time, when either riches or the want of them will be the leading considerations in the choice of public officers."[9] Our political parties to-day are torn between the needs of their treasuries and their desire to appeal to the masses. Their candidates frequently represent the two economic extremes.

Men of wealth elevated to office do not always reflect in their words and acts their aristocratic viewpoint. The applause from the gallery and the approval of the masses flatters them. To-day we witness an unparalleled hypocracy which is working wonders in the interest of equality. Many of those in the public light pour forth speeches written for them by paid writers. These utterances usually contain high sounding American sentiments, which the ghost-writer has found appeal to the public ear. Of course, their words are not intended to be translated into action, but once the words are spoken, the action must follow, or the confidence of the public is lost, both to the man and to the party.

Success of a political party is usually the end of its usefulness, rather than the beginning. Great fortunes, realizing their insecurity in a democracy, have taken an active part in American politics. Their tendency is to play with the winner, the one in power, irrespective of name, or policies. Their contributions bring immediate success, but the repayment of these obligations invariably spells the doom of the party. To-day these forces are contributing to both parties, and it is only a question when either, or both, will finally succumb,

[9] Samuel Adams: Letter to Elbridge Gerry.

or throw off this influence. A political party can only serve one master. In a democracy that master is the people.

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The skeleton of government with its three branches, legislative, judicial and executive, has taken on considerable flesh, since it was first outlined by the Constitution.

The two branches of the legislature adhere to their old methods of forensic oratory, argument and debate; they are slow to act and partisan in their actions, but heed the will of their constituents, for they know the voice of their master. The Senate is no longer a completely aristocratic body. The amendment, making it elective, has brought it closer to the people. It now largely overlaps the functions of the House of Representatives, and appears to be waiting assignment to new tasks.

The legislative branch seems to be struggling to create equality, without infringing on the inequalities of our existing laws and constitutions. The result is often a compensating inequality to balance those already in force, but the whole trend of our legislation draws us nearer to our purpose.

The judiciary, so harshly criticized, is laboring under disadvantages for which they are not to blame. Their task is to determine what is lawful and constitutional, not what is right and just. They are compelled to weigh modern justice on antiquated scales designed to balance with unequal measures. It is expecting too much of men, whose viewpoint of life has been to look upon inequality as justice, to retain sufficient strength of purpose in their advanced years to throw off the yoke of precedent. Jefferson said, in his day, "knowing that religion does not furnish grosser bigots than law, I expect little from old judges. Those now at the bar may be

bold enough to follow reason rather than precedent, and may bring that principle on the bench when promoted to it; but I fear this effort is not for my day."[10] Apparently, the day is yet to come.

The false basis of our laws distorts the minds of our lawyers and judges to its own misshapen form. Let the legislature remove our laws from their false basis of the English common law, establish them on the firm pedestal of the "laws of nature and of nature's God," give our courts the task of meeting out equality and justice, and the judiciary will become the most useful branch of our government.

The Executive branch of government, as it exists to-day, bears little resemblance to the article of the Constitution, which outlines with great detail the powers, duties and method of electing the President and Vice-President, but only hints at the existence of other executive departments. The members of the President's Cabinet, who receive no mention in the Constitution, are to-day the heads of great departments functioning in every walk of our daily life. They solve the intricate problems of foreign diplomacy; maintain our army and navy, regulate finance and commerce; guard our coasts and assist navigation; disseminate information and give assistance to trade, industry, business and agriculture; conduct tests and establish standards; carry our mails; build roads and schools; protect lives and property; coordinate our overly complex civilization; administer clumsy laws and perform innumerable other functions, which are the source of many of the benefits which the individual receives from society. This is the part of government that is growing. Its many workers are selected largely by competition through civil service examinations, and it is due to grow into greater responsibility and usefulnes. It has already shown signs of developing an economic side to our government. It has been

[10] Thomas Jefferson: Letter to Judge Thomas Cooper, August 6, 1810.

built up through necessity, forced by the growth of social activities. This has become the business of government and the sound sinews of democracy.

The important and intricate machine of government is still without any financial structure of its own. Each year it borrows or begs, through taxation, the funds to continue its work for the current period. Americans still look upon their government as a spendthrift king, squandering their money on the luxuries of his court; instead, it is the agent of society performing necessary duties. Society has been forced to increase its indebtedness to the wealthy in order to perform its obligations to all. A sovereign government should be above the status of a beggar. It should be provided with a financial structure, a social fund, ample to carry on its work and extend its operations, when necessary. Every corporation has its capital which it uses to gain profits for its shareholders. Our great government, however, has no capital with which to profit for its citizens. The greed of a few individuals prevents it from engaging in any enterprise which might yield a money profit to society. All the unprofitable functions of society are placed upon its shoulders, while surprise and indignation are expressed when the necessary taxes are levied. The cost of past wars and depressions, remain unpaid and are shifted to future generations, because of the system of funding debts inherited from monarchy. To avoid "soaking the rich," we have ignored the suggestion of Jefferson, that funded debts are "limited, rightfully, to a redemption of the debt within the lives of a majority of the generation contracting it."[11] For want of a modern system of financing government, we are falling into the English habits of finance which helped cause our Revolution.

[11] Thomas Jefferson: Letter to John Taylor, May, 28, 1816.

One question, on which our political parties have always taken different sides, has been that of reforming government to keep abreast of progress. The one has advocated reform, while "the enemies of reform" have insisted the laws and constitutions of the past are "the consummation of wisdom, and acme of excellence, beyond which the human mind could never advance."[12]

The trend of progress is usually toward equality. Opposition to progress is often an expression of desire to retain advantages caused by existing inequalities. Our greatest gains toward political equality have been brought about by amendments to our Constitution. Yet, as Jefferson said: "Some men look at constitutions with sanctimonious reverence, and deem them like the ark of the covenant, too sacred to be touched. They ascribe to the men of the preceding age a wisdom more than human, and suppose what they did to be beyond amendment. I knew that age well; I beonged to it, and labored with it. It deserved well of its country. It was very like the present, but without the experience of the present."[13] He advocated "periodical amendments of the constitution,"[14] and stated that, "The real friends of the Constitution . . . if they wish it to be immortal, should be attentive, by amendments, to make it keep pace with the advance of the age in science and experience."[15]

The history of our Constitution has proven that all amendments have lagged behind the necessities which compelled the changes. The first ten amendments followed general agitations in every colony, which threatened to prevent the ratification of the Constitution itself. The eleventh amendment followed wide popular protest after an action against a sov-

[12] Thomas Jefferson: Letter to John Adams, June 15, 1813.
[13] Thomas Jefferson: Letter to Samuel Kercheval, July 12, 1816.
[14] Thomas Jefferson: Letter to Samuel Kercheval, July 12, 1816.
[15] Thomas Jefferson: Letter to Robert J. Garnett, February 14, 1824.

ereign state had been upheld by the Supreme Court.[16] The twelfth amendment corrected a stupid method of electing the president and vice-president, but came only after an election which almost resulted in selecting Arron Burr, the candidate for vice-president, as president, over Thomas Jefferson, who was intended to be the presidential candidate. The thirteenth, fourteenth, and fifteenth amendments followed the bloodshed of the Civil War, which they might have averted. The sixteenth amendment providing for income taxes regardless of state lines and corrected an evil inherited from the old Articles of Confederation. The seventeenth amendment, providing for direct election of senators, corrected a successful attempt of the Constitutional Convention to inject an aristocratic element into our democracy. The eighteenth amendment attempted to correct the long existing evil of drunkenness, but went to such extremes that it created a worse situation, and required its own repeal by the twenty-first amendment. The nineteenth amendment corrected an inequality which began with government, itself, and which only the natural affection of man and woman prevented from ripening into rebellion centuries before. The twentieth amendment, by moving the term of office nearer to the date of election, stopped defeated candidates from abusing the end of their terms to defeat the will of the people.

To-day, new problems are requiring the government to strain the construction of the Constitution in order to meet situations which the writers of the Constitution never anticipated. The machinery of amendment is too slow and cumbersome to make the necessary changes in time. Efforts of the government to remedy economic condition for the most part have been declared unconstitutional by the courts. This clearly indicates the need for amendment, for it has been said: "If the Constitution is sucessfully invoked to nullify the effort

[16] Chisholm v. Georgia: 2 Dallas 418 (1793).

to remedy injustice, it is proof positive either that the Constitution needs immediate amendment or else that it is being wrongfully and improperly construed."[17]

The trend of interpretation of the Constitution has made the United States less of a mere confederacy of states, and more of a nation. The process has been gradual but slow. To-day, we are faced with problems that require national action, and the Constitution still interposes the barrier of "states rights." Within ten years after the adoption of the Articles of Confederation it became necessary to form a "more perfect union." It is now a century and a half later, but the union has not been made complete.

James Wilson predicted that "the most intricate and the most delicate questions in our national jurisprudence will arise in running the line between the authority of the national government and that of the several states." He carefully defined the jurisdiction of each; "Whatever object of government is confined in its operation and effects within the bounds of a particular state, should be considered as belonging to the government of that state; whatever object of government extends in its operation or effects beyond the bounds of a particular state, should be considered as belonging to the government of the United States."[18]

While the country is now many times larger, in territory; modern means of communication and transportation have drawn us together so that, measured by time, we are actually nearer. Our industries and financial activities are not limited to the boundaries of a single state. The economic unit is

[17] Theodore Roosevelt: "A Charter of Democracy." 1912.
[18] James Wilson: Address Pennsylvania Constitutional Convention, November 26, 1787.

no longer the individual, but the corporation, which claims existence under the laws of a single state, yet conducts its business all over the world. The problems of government created by the economic advance are nation wide, and authority must be made as broad as the problem. "Whenever an object occurs, to the direction of which no particular State is competent, the management of it must, of necessity, belong to the United States."[19]

The economic strength of the United States lies in its great territorial expanse, affording an unlimited variety of commodities, and which makes us, as a nation, independent of the rest of the world. However the old divisions, dating back to the colonization of America, made permanent by the Constitution at a time when we were divided in sentiment, now remain as political barriers to our economic greatness. To some slight degree, our courts have, in times of wisdom, given broad constructions, but such great problems should not depend upon the thin thread of constitutional interpretation. The law should be made clear. "Both jurisdictions together compose or ought to compose only one uniform and comprehensive system of government and law."[20]

[19] James Wilson: Discussion of the Federal Constitution.
[20] James Wilson: Discussion of the Federal Constitution.

# CHAPTER XXII

## ECONOMIC DEMOCRACY

*"The corner stone of our state is economic equality, and is that not the obvious, necessary and only adequate pledge of the three birthrights—life, liberty and happiness?"*

EDWARD BELLAMY.[1]

THE declaration of an "equal right to life" is the economic phase of America's purpose. It is a promise that our government will establish an economic democracy, as a necessary counterpart to our political democracy. Those who advocate better economic conditions among mankind could not choose a better term than "democracy," for its definition comprises equality of human rights in every form. "In short, democracy means radical changes in all the material conditions of life, and in the nature and the spirit of life: in the means of intercommunication and transportation; in the tools and implements of industry; in the comforts of the homes; in the opportunities for self-development; . . . It means not merely government of the people, by the people, and for the people; it means, no less, wealth, industry, education, religion,—in a word, life,—for the people."[2]

How far this promise of economic equality has been kept, and this part of our purpose achieved, can only be measured in comparison with the vastness of the task and the circumstances surrounding the undertaking. While our forefathers

[1] Edward Bellamy: "Equality."
[2] Lyman Abbott: "The Spirit of Democracy."

were favored by having a new portion of the world in which to begin, they were hampered by precedents transplanted from the old world. Man's attempt to regulate the production and distribution of the necessities of life had resulted in a complex system of laws and customs, accumulated through centuries. These institutions were not begun for the purpose of effecting equality. On the contrary, they were intended to create and perpetuate inequality. They had been built into the very structure of human society, and defied the attempts of future and more enlightened generations to remove them, without destroying society itself. Man's growing intelligence had combined with natural forces to break down some of these institutions and replace them with more equitable arrangements. However, at the time of our Revolution, the older and more civilized portions of the world still presented shocking contrasts of extreme wealth and abject poverty.

America had inherited from Europe these laws and economic customs calculated to breed and foster inequality. Despite these inherited diseases, there existed in this country a condition approximating general economic equality. The worst of the old world institutions had found it difficult to gain a foothold. When planted they failed to flourish, because most of the inhabitants of the colonies had fled from Europe to avoid these same institutions.

The natural ruggedness of America had contributed most toward this equality. Hard work was necessary to make this country habitable. Labor was in demand and employment was both plentiful and well paid. There was work for all, and, with few exceptions, all worked.

This "equality of conditions" was repeatedly commented upon at the time. Benjamin Franklin gave out as "Information to those who would remove to America," the statement that there were few rich and few poor in this country and

that "it is rather a general happy mediocrity that prevails."[3] During the Constitutional debates, Charles Pinkney spoke of the existing economic equality as, "the leading feature of the United States."[4]

A most concise and complete description, of the economic conditions of our country after the Revolution is contained in a letter by Thomas Jefferson. After saying "we have no paupers," he continues, "The great mass of our population is of laborers; our rich, who can live without labor, either manual or professional, being few, and of moderate wealth. Most of the laboring class possess property, cultivate their own lands, have families, and from the demand for their labor are enabled to exact from the rich and the competent such prices as enable them to be fed abundantly, clothed above mere decency, to labor moderately and raise their families. They are not driven to the ultimate resources of dexterity and skill, because their wares will sell although not quite so nice as those of England. The wealthy, on the other hand, and those at their ease, know nothing of what the Europeans call luxury. They have only somewhat more of the comforts and decencies of life than those who furnish them. Can any condition of society be more desirable than this? Nor in the class of laborers do I mean to withhold from the comparison that portion whose color has condemned them, in certain parts of our Union, to a subjection to the will of others. Even these are better fed in these States, warmer clothed, and labor less than the journeymen or day-laborers of England. They have the comfort, too, of numerous families, in the midst of whom they live without want, or fear of it; a solace which few of the laborers of England possess."[5]

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[3] Benjamin Franklin: Works, Vol. III, page 399, J. Cundee, Printer, London.
[4] See Madison's "Notes of the Constitutional Convention," June 25, 1787.
[5] Thomas Jefferson: Letter to Dr. Thomas Cooper, September 10, 1814.

This condition of equality apparently continued for more than fifty years after the Revolution. Alexis de Tocqueville, as late as 1834, comments upon it as follows: "Amongst the novel objects that attracted my attention during my stay in the United States, nothing struck me more forcibly than the general equality of conditions. . . . The more I advanced in the study of American society, the more I perceived that the equality of conditions is the fundamental fact from which all others seem to be derived, and the central point at which all my observations constantly terminated."[6]

Some of those who, today, are agitating for economic reforms, condemn our Revolutionary leaders for not completing their Revolution by setting up a new economic system. They should bear in mind that the condition of actual equality, which then existed, removed any immediate necessity for the application of theoretical principles of economic equality. The few rebellions of an economic nature, which followed our Revolution, passed off when the return of peace enabled the development and distribution of our great natural abundance. Until recently, new frontiers and unoccupied land have always held out new opportunities for the victims of our economic disturbances. A great stride toward the accomplishment of an economic democracy has awaited only the creation of conditions to compel it.

The present agitations for better economic conditions vary from requests for mild reforms to demands for an entirely new economic system. Those, who favor these changes, claim they are seeking "economic democracy." Those, who resist any economic change, adopt the same slogan, and claim existing economic arrangements are "economic democracy." These

[6] Alexis de Tocqueville: "Democracy in America."

conflicting interpretations of our American principles raise the question, what is an economic system; and then, what is a "democratic" economic system?

An economic system, as the term is used today, is a single structure comprising production, distribution and property ownership. In any complete system, these three factors should be correlated, and work in unison. The economic customs as they exist today, in this country, can hardly be considered such a system. Our institutions, for production, distribution and property ownership, have descended from such different sources, are so unrelated, and have grown up so disproportionately, that they fail to function in harmony as a system.

An economic system, in keeping with man's present ability and modern intelligence, would find production, distribution and ownership so correlated and balanced that breakdowns, as those which now periodically occur, would be impossible. Built upon the American principles of democracy, such a system would distribute America's abundance with equality. Certainly, even the most casual observer is compelled to admit, that, whatever merits the existing customs possess, "equality" is not one of their features.

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Those who resist all economic change, patriotically proclaim we should defend "our sacred American institutions." They argue, that the present system was the work of our founders and has existed since Revolutionary days. The kindest thing that can be said for them is that they are mistaken in their facts.

A natural economy, which the social instincts of man created, had succeeded, by the time of the Revolution, in building up America from a barren wilderness to a prosperous community. As a result of these natural forces an equal-

ity of conditions existed. However, for more than a half century prior to the Revolution, Great Britain had been injecting into the colonies economic doctrines and institutions of her own choosing. These had taken root, and were beginning to produce their inequalities. To-day, these institutions of inequality are full grown. It is true they were present at the time of our Revolution, but they were not American institutions; they were transplanted here. The present economic institutions are growths, which have evolved from customs and laws dating back beyond historic times.

At the time of the Revolution, the colonies were without a semblance of an economic structure. Production was largely limited to agriculture and the extraction of raw materials. Greedy practices by British interests had succeeded in preventing industrial development. The colonies had not been permitted to develop any system of distribution. After draining the colonies of metallic money, Parliament prohibited the issuance of paper money, and thus completely manipulated all cash and credit to British advantage. Ownership of property was still regulated by the English common law founded upon feudalism.

These institutions did not constitute a single economic system. Slavery, feudalism, capitalism and "laissez faire" were all present, and no one of them operated to the exclusion of the others. None of these systems met with the approval of our American forefathers. The inequalities of each were singled out and attacked as contra to their philosophy.

Slavery so shocked Thomas Paine that he predicted it would ultimately cause our separation from Great Britain. In the original draft of the Declaration of Independence, Jefferson launched a vicious attack upon slavery, and charged that it was fostered by the English king. It took the American people three quarters of a century and much bloodshed

to learn that slavery was not an American institution, and that it was a contradiction of our American principles.

Feudalism had blighted the economic advance of both Continental Europe and England for centuries. Many of the American colonists had fled their native lands to avoid its degrading inequalities. The English colonies in America had been established by grants issued under the feudal system. The colonists owed political, economic and military allegiance to the English king. Separated by thousands of miles, and surrounded by natural conditions that obliterated man-made inequalities, the colonists had completely forgotten this feudal debt. England's attempts to enforce these feudal obligations were the early cause for arousing the suspicion of the colonists to the economic designs of England. Shortly after the French and Indian Wars, John Adams pointed out that: "There seems to be a direct and formal design on foot, to enslave all America. This, however, must be done by degrees. The first step that is intended, seems to be an entire subversion of the whole system of our fathers, by the introduction of the canon and feudal law into America."[7]

Our Revolution might well be interpreted as a revolt against the feudal economic system. Immediately after the Revolution, the separate colonies took drastic measures to break up the large landholding, which had been built up in this country under feudalism. Jefferson was proud of these attacks upon the feudal system, and advocated complete abolition of its inequalities. "Are we not the better," he wrote to a friend, "for what we have hitherto abolished of the feudal system."[8]

Unfortunately, we have not succeeded in abolishing feudalism as completely as we did slavery. It is still present in our American economic and legal systems, and is responsible for

[7] John Adams: "Dissertation on the Canon & Feudal Law," 1765.
[8] Thomas Jefferson: Letter to Edmund Pendleton, August 13, 1776.

much of our existing economic inequalities. Certainly no one can contend that feudalism is an American institution, yet, in upholding "existing institutions," we are overlooking the fact that many of them are of feudal origin.

Capitalism was still in its infancy at the time of our Revolution. Less than a century before, the whole world frowned upon the practice of charging interest and called it usury. This basic practice of capitalism was looked upon unfavorably by our American Revolutionary fathers. Their attitude is well illustrated by the decisions of our courts.

After the Revolution, British capitalists attempted to collect the interest on American mortgages, which had accumulated, unpaid, during the seven years of the war. Our American courts were then not so friendly to capitalism, and refused these demands, on the ground that "interest did not run during a state of public war between citizens of the contending powers."[9] The British minister then appealed to Jefferson, who was Secretary of State, but Jefferson replied with additional reasons for refusing the payment of interest. He pointed out that, "formerly, all interest was considered unlawful, in every country of Europe: it is still so in Roman Catholic countries and countries little commercial. . . . Where, by a general and national calamity nothing is made out of lands which are assigned for payment of interest, it ought not to run on during the time of such calamity. . . . General calamity, then, prevented profit, and consequently, stopped interest, which is in lieu of profit."[10]

Such capitalism, as existed in revolutionary times, was purely individualistic and bore no resemblance to the present elaborate corporate structure. The institutions that are features of the capitalism of today, were abhorred as economic

[9] Hoare v. Allen, 2 Dallas Reports (Pa., 1789), p. 102.
[10] Thomas Jefferson: Letter to the British Minister, George Hammond, May 29, 1792.

abuses at that time. Banking, monopolies, perpetual franchises and charters, bond issues to be paid by future generations, and accumulations of great wealth, were then existing in England, but not in America. Many of these practices were actually prohibited by colonial laws. They were attacked by Jefferson, Franklin, Paine and most of our American philosophers, as tending to deny equal rights. A substantial part of their criticism of the British rule was centered against these economic inequalities, the effects of which were felt through our commercial relationship.

The antagonism, between capitalism and the democratic principle of equality, caused the noted authority on democracy, Alexis de Tocqueville, to predict that democracy would ultimately eliminate the capitalist, as it had the other representatives of inequality. Over a century ago, he wrote: "Is it incredible, that the democracy which has annihilated the feudal system and vanquished kings, will respect the citizen and the capitalist. Will it stop now that it is grown strong, and its adversaries so weak?"[11]

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The absence of any orderly economic arrangement in colonial times, has been used to support the contention that "laissez faire," or "no system of all," is the real "American way." The theory that government should not "intermeddle" in the economic affairs of its people, had become popular throughout the world just before our Revolution. This revolt against government intervention was an indication of growing strength among the people, and the weakening of royal governments.

The theory, however, was not the practice. All the European governments by diplomatic connivance, and sometimes openly by direct legislation, were doling out to their nobility,

[11] Alexis de Tocqueville: "Democracy in America."

land, trade monopolies, and commercial concessions, both at home, and in their colonies.

The doctrine of "laissez faire," applied against a monarchy, reacted favorably for the people, but the same doctrine, applied to a democratic government, had the reverse effect. It prevented the people, acting through their own government, from regulating their economic affairs to their general advantage.

British economists were quick to recognize the advantage, to England, of preaching the doctrine of "laissez faire" to the American colonists. They realized the potential economic power of America, with its vast expanse, its virgin resources, and its energetic and rapidly increasing population. The doctrine of "laissez faire," applied to the democratic colonial governments, preventing the colonies from developing an economic structure of their own. This deception went unnoticed, until almost the beginning of the Revolution, when the colonial governments, awakened by the war to the neglected condition of their industries, immediately reversed the doctrine of "laissez faire." From that time on the American government has always maintained, that protection and security of the economic rights of the people are most important functions of government. It has been truly said of the doctrine of "laissez faire," "it has been dead in America for generations—except in books of economic history."[12]

Revolutionary precedent failed to establish any particular economic system as a sacred American institution. Slavery, feudalism, capitalism, and "laissez faire," all existed at that time, but our forefathers refused to consecrate any of them as "The American Way." Economic democracy consists of the

[12] Herbert Hoover: "The Challenge to Liberty," page 51.

fundamental ideal of equality; that alone is the sacred American economic principle. By accepting that principle, we undertook to abolish any and every custom, law, institution and system, which tended to create, or perpetuate, economic inequality, and to adopt such others, as might be necessary to produce more equal economic conditions.

The struggle for political democracy overshadowed the economic phase of our Revolution. The methods, mechanics and system, by which we were to arrive at the goal of economic democracy, was given but little consideration. It remained for the future to provide both the necessity and the structure.

An economic system, to be democratic, must comply with the essential principles of democracy. Its basic principle would be that "all men are created equal" with respect to their right of "preservation of life." This equal right would balance the human needs, which nature has distributed with the same equality. It has been said "no economic equality can survive the workings of biological inequality." This very palpable sounding phrase contains a very false premise, for the biological needs of humanity, though not always the same, are astoundingly equal.

It can truly be said that no economic system can operate for long on the basis of inequality. Recent violent breakdowns of our economic structure demonstrated this beyond the necessity of argument. We were producing sufficient for all, when suddenly our economic arrangements collapsed. Though all had equal needs, the ability to satisfy these needs, was distributed unequally. The purchasing power, or demand, we counted upon to balance our ability to supply, had fallen off, because it required a balance of its two component factors, needs and the ability to obtain these needs. The purchase power of some was cut off because they had no means, while the purchasing power of others, who had means, was necessarily limited to

their needs. The unequal distribution of our wealth had thrown our structure off balance.

Equality of economic rights would not be limited, however, to natural rights alone. A democracy requires an equal distribution of civil rights. The social instincts of humanity, including particularly the tendency to cooperate, would have to be considered in an economic democracy. Those economic functions which could be performed best by society would become social duties, while the individual would retain those economic functions which he could best perform. There would be no room in an economic democracy for the usurpation of social benefits by a few, or by groups, such as now dominate our economic structure. Nor would the duties and powers, entrusted to society, be delegated by it to individuals, or groups, to exercise for their own personal benefit. If the vastness of a particular economic function required it to be taken out of the realm of individual endeavor, it would be turned over to society as a whole, and exercised for the equal benefit of all.

An economic democracy would be brought about only by democratic methods. It would be accomplished only through the consent of the governed. It would come about only when a majority of our people understood the problem, and demanded the change. Society would only take over economic functions when asked to do so by the majority. It would not come about through a dictatorship, nor by a violent demand on the part of a minority; nor would it be prevented by the violent opposition of a minority. Our political democracy makes it unnecessary to use violence to establish an economic democracy.

An economic democracy would, of necessity, be a complete economic system. It would include, a system of production capable of supplying an abundance for the needs of all, a system of distribution which would make these products equally available to all, and, when the products were distributed, they would

become the property of the individual, for his own use, and his ownership in them would be protected by all society.

With the growth of our country, the principles of economic democracy have been applied to solve the most urgent of our economic problems. Frequently, this was by conscious application of our theory of equality, but, more often, it was the result of natural forces tending toward equality. During our progress, this principle has acted upon our customs of production, our methods of distribution and even upon the fixed principles of property, but, as yet, no complete system of economic democracy has evolved. A study of the trends of our economic institutions, however, clearly points to a way by which this goal may be attained.

## CHAPTER XXIII

# THE PRODUCTION OF AMERICA'S WEALTH

*"God had placed upon our head a diadem and has laid at our feet power and wealth beyond definition or calculation. But we must not forget that we take these gifts upon the condition that justice and mercy shall hold the reins of power and that the upward avenues of hope shall be free to all the people."*[1]

BENJAMIN HARRISON.

THE economic welfare of a nation rests fundamentally upon its capacity to produce for the needs of its people. Even the most perfect economic arrangement cannot replace this material factor. But a faulty economic arrangement may result in such a waste of material wealth that its people are impoverished despite the natural abundance.

Land and rich resources do not account for all our rapid rise to wealth. Many equally rich parts of the earth still remain undeveloped, and the people impoverished. The human factor played a most necessary part. Slaves and serfs may be strong of body, but peonage robs the mind of its natural zeal to accomplish. This country was fortunate in having both an ideal philosophy and one of the choicest portions of the earth upon which to carry it into action. While the material resources afforded promise of wealth, our philosophy held out to the

[1] Benjamin Harrison: Inaugural Address, March 4, 1889.

people the opportunity to share it. Any lack of skill on the part of American workmen was more than compensated by the mental stimulus of being free men rather than serfs. Our philosophy made them feel an actual interest in the result of their labor. Their work was not drudgery for they considered themselves shareholders in the productive advance of their country.

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The colonization of America began on the shores of the Atlantic Ocean and a short distance up some of the widest of the bays and rivers flowing into it. Up to 1700, only a few settlements had been established more than fifty miles from these starting points. The French and Indian War was fought to determine whether France or Great Britain should occupy the territory west of the Allegheny Mountains to the Mississippi River, but neither was destined to settle there. As late as the Revolution, the colonial settlements remained within a few hundred miles of the coast, except for detached frontiers that lay east of the Appalachians.

The economic life of the colonies was subject to conflicting forces. There was the natural initiative encouraged by the wealth of opportunity of this new country, but working against this were the limitations of British colonial policy. Acting on the selfish advice of its own industrialists, the British government discouraged commerce and industry within the colonies. The aim was to keep the colonies economically dependent upon British manufacture, and prevent the development of colonial competition. Through the royal governors, the colonies were dominated by the doctrine of "laissez faire," while England maintained a monopoly of commerce and trade. Behind this screen of "laissez faire," England secretly advocated "that manufactures in the American Colonies, be discouraged or pro-

hibited."[2] Laws and restrictions, intended to discourage and even prohibit commerce and industry, were adopted by Parliament. As Henry Clay disclosed, nearly a century later, "Their refuse goods, their old shop-keepers, their cast-off clothes were good enough for us! Was there ever a scheme more artfully devised, by which the energies and faculties of one people should be kept down, and rendered subservient to the pride and the pomp and the power of another?"[3]

As a result of British policy, America was developed merely as a source of cheap raw materials, which passed by English ships to English warehouses, thence to English factories and back to America, as finished products, to drain off all gold and metallic money, and prevent the possibility of financing industries in the colonies. The colonies approached the Revolution almost devoid of industries. The faint trace of industrial development consisted largely in the extraction of raw materials, with only a few poorly equipped mills incapable of manufacturing anything comparable with the high grade finished products from abroad. Less than one-tenth of our working population were engaged in industry, and they were mainly unskilled.

Agriculture was the backbone of our economic structure. Though it was carried on wastefully, and by crude methods, it was successful because land was both plentiful and fertile. A large part of this agriculture resulted from the use of negro slaves, who, by the time of the Revolution, constituted three-fourths of the people of the south, and numbered well over a half million. The total agricultural product was so abundant that sufficient remained for exportation. In exchange for this excess the American Colonists obtained most of their manufactured commodities.

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[2] Cited by Henry Clay from "Trade & Navigation of Great Britain," by Joshua Gee, 1750.

[3] Henry Clay: Address to Senate, 1832.

The development of America apparently began at the same time as political differences with Great Britain. The Proclamation of 1763, which prohibited settlement west of the Alleghenies, was interpreted as an invitation. Frontiersmen began to pierce the forbidden land, and were closely followed by planters and farmers anxious for new land. By the time the Revolution was ended, and the Treaty of 1783 gave to the United States boundaries extending to the Mississippi River, this western territory was already occupied by thousands of settlers.

In the meantime the colonists had gained a stronger hold on their local governments and, reversing the English doctrine of "laissez faire," they adopted legislation calculated to develop their resources. Land grants, loans, bounties, prizes and other forms of assistance, by these governments, acted as an incentive for most of the colonial attempts at manufacture.

The Revolution awakened the country to the neglected condition of our industries. It forced upon America an independent economic existence for which it was totally unprepared. The shortage of many articles formerly imported compelled the establishment of small mills for their manufacture. The Continental Congress not only encouraged production with money subsidies, but even set up its own plants for manufacturing necessary materials. Not a voice was raised against government ownership and operation, when provision was made for cannon works at Springfield, foundries for casting guns and camp kettles in Pennsylvania and New York, iron furnaces in the bogs of New Jersey, and shot-towers in Virginia. Only by pulling together were we able to overcome our almost total dependence on British industries, and struggle on for ourselves. The rapid growth of our infant industries came as a direct result of this united social effort.

In this way the entrance of government into the economic life of the people became an early American practice, as well

as an American theory. Nothing was more natural than for a government, "constructed on the principle of society," and instituted to "secure the rights" of its people, to take an active part in maintaining the material well being of its citizens.

The surge of industry which began with our Revolution continued and accelerated afterward, but only with the assistance of government. When the critical period had passed, and it became apparent that America could maintain its independence, Europe was anxious for its trade. Great Britain, though it had lost political power, had no intention of relaxing its economic hold. Cheap commodities were poured in to compete with the products of our struggling industries. With land abundant, farming was more attractive and profitable than life as an industrial worker. Labor was therefore both scarce and demanded good pay. Between foreign competition and high wages, it appeared as though America's industries were doomed.

During the period under the Articles of Confederation the legislatures of the various states had continued to encourage manufacture and the development of resources, within their own borders. Shortly after the adoption of the Constitution, a tariff was placed on imports for the purpose of revenue, but it also served to give some protection to industry. Closing of our ports during the War of 1812 acted as a much needed stimulus. The first tariff for the avowed purpose of protection was in 1816, and for many years thereafter the policy of a protective tariff was the subject of political controversy.

The cry of "government interference" was raised by those who adhered to the doctrine of "laissez faire." At that time the "intermeddling" was in behalf of the business interests, which gladly accepted the benefits and asked for more. The prosperity and early growth of American industry was attrib-

uted, by Henry Clay, to the policy of government assistance: "This transformation of the condition of the country from gloom and distress to brightness and prosperity, has been mainly the work of American legislation, fostering American industry, instead of allowing it to be controlled by foreign legislation, cherishing foreign industry."[4]

The performance by government of its obvious duty in economic affairs, was labelled by Clay, "The American System."[5] He argued to Congress, "If our essential interests cannot find protection from our own government against the policy of foreign powers, where are they to get it? We did not unite for sacrifice but for preservation."[6]

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The same minds, which conceived the Independence of America, had been busy planning its expansion. On Christmas day, 1802, Thomas Paine, who had just returned from France, gave President Thomas Jefferson "a present of a thought on Louisiana." He suggested that since "the French treasury is not only empty, but the government has consumed by anticipation a great part of next year's revenue," that the time was ripe to purchase from France the vast territory west of the Mississippi River to the Rocky Mountains. The Louisiana Purchase, concluded the following year, nearly doubled the area of the nation.

Other land, added by the purchase of Florida, the annexation of Texas, the settlement of Oregon, the acquisition of New Mexico and California, and several adjustments of boundaries, completed the territorial growth of continental United States by the middle of the century.

[4] Henry Clay: Address to Senate, 1832.
[5] Term used by Henry Clay throughout his many debates in Congress.
[6] Henry Clay: Address to Congress, 1824.

Included within the boundaries of the country then lay an area of over three million square miles; more than two-thirds the size of all Europe. All this vast expanse was habitable. Its contour varied from the highest mountains to broad fertile plains. Sixty-four thousand miles of sea-coast gave outlets to all the world, while twenty-six thousand miles of navigable rivers, and three thousand miles of coast upon the Great Lakes provided means of water communications within our boundaries. Its geographic location afforded a variance of climate conducive to a wide variety of both vegetable and animal growth. Its surface was largely covered with a fertile soil, producing a natural luxuriant growth of trees and plants. Under cultivation this soil was capable of supplying every necessity of human and animal life. Beneath the surface lay a treasure of mineral resources, including coal, natural gas and oil, as well as all the essential metals. All was contained within one political structure. America was indeed a land of opportunity.

Without exception, all this territory had been gained either through the common efforts of the people, or purchased with public funds. This great source of wealth was originally the commonwealth of all Americans. Physical possession of the land went hand in hand with the rapid extension of our boundaries. The Government distributed these lands for little or no money, contemplating they would be occupied in small parcels by actual settlers. This policy was thought to be for the common benefit, but the intent was largely frustrated by speculation and fraudulent practices. Placing this land in private ownership enabled greedy individuals to get title to large tracts, which became the basis for some of the present fortunes.

Among those to gain advantage by this unwise and wasteful land policy, were the privately owned railroad corporations. Nearly two hundred million acres, including not only the road-

beds but adjoining lands, were given away to these corporations. To-day this public land forms a substantial part of the valuation upon which the railroads justify "a reasonable return to capital."

The folly of this land policy was discovered too late, when our common heritage had been squandered and the last frontier closed. It was then pointed out by President Cleveland: "Laws which were intended for the 'common benefit' have been perverted so that large quantities of land are vesting in single ownership. . . . It is not for the 'common benefit of the United States' that a large area of the public lands should be acquired, directly or through fraud, in the hands of a single individual. The nation's strength is in the people. The nation's prosperity is in their prosperity. The nation's glory is in the equality of her justice."[7] Cleveland correctly prophesied that, "In the future this collision of interest will become more marked than in the past, and the execution of the nation's trust in behalf of our settlers will be more difficult."[8] Later Theodore Roosevelt observed: "It is a small minority that is grabbing our coal deposits, our water powers and our harbor fronts."[9]

From the Revolution to the Civil War was a period of beginnings. To our means of transportation, were added turnpikes, canals, steamboats, railroads, and the horse drawn street car. The telegraph gave a quick method of communication. Coal, oil and iron were uncovered in large quantities in Pennsylvania. Gold and other mineral deposits were discovered in the far west. Farming in the middle west overtook the

[7] Grover Cleveland: First Annual Message, December 8, 1885.
[8] Grover Cleveland: First Annual Message, December 8, 1885.
[9] Theodore Roosevelt: Address in New York City, March 20, 1912.

agriculture of the east, and forced it into industry. Abundant land made labor scarce and encouraged labor saving devices. Crude mills were replaced by factories with steam driven machinery devised by ingenious inventors. Production more than supplied domestic needs, and our commerce with foreign nations began to show a balance in our favor.

The Civil War stimulated industry, but profiteering forced government to make most of its own munitions. Government proved itself more than equal to the task; for example the Springfield rifle, was manufactured by government for $9.00, while private manufacturers demanded $20.00 for a similar product.[10]

From the Civil War to the end of the World War was a period of unprecedented expansion. Our population, augmented by a tremendous influx of immigration, more than trebled.[11] New land, mechanized farming equipment and government help, by way of loans, purchases of surplus crops, research, information and education increased the value of agricultural products ten times.[12] But accompanying this growth was a change in the status of a majority of the farmers from that of individual owners and tenants to that of farm laborers.

To meet the demands for transportation of people and commodities, the railroads were extended from thirty thousand miles to three hundred thousand miles. Government assistance was the prime factor for this growth; it included grants of land, monopolistic franchises, rights of eminent domain, substantial loans and actual gifts of money. Continued financial failure, coupled with the arrogant attitude of the private control of these roads, forced government regulation by 1887. Steamboat transportation for a time expanded, but diminished

[10] See "American Economic History," by H. V. Faulkner.
[11] Population in 1861 = 32,214,118; in 1919 = 105,003,065.
[12] In 1861 = $1,600,000,000; in 1919 = $16,935,000,000.

because of the competition of the railroads, and closed up forever many of the canals.

The telegraph, which had become an efficient means of communication, was only a fore-runner of the electrical age. In the cities, electric railways soon replaced the horse drawn street cars. The telephone, introduced at the World's Fair in 1876, rose at once to popularity, and to this was added wireless telegraphy and the radio. Gas lighting, which had replaced the oil lamp, was itself replaced by the arc light, and finally by the incandescent bulb. The greatest utility of electricity was as a means of power. Harnessing of this natural force to machinery, not only displaced the use of human labor, but began to demonstrate the fallacy of existing economic theories, all of which predicated value solely upon human labor power.

With the beginning of the new century, the perfection and rapid growth of the automobile, started an era of road building, which eliminated the private turnpikes, and substituted hundreds of thousands of miles of well paved highways. The construction of these highways, which now exceed a million miles, was entirely at public expense, and strained the financial structure of the states, on which the burden chiefly fell.

The outstanding achievement of this era was the country's industrial expansion. Development of our natural resources, invention and scientific discoveries, the substitution of electricity and mechanical power for human labor, the evolution of the factory into a system of mass production, assistance by government through tariffs, franchises, patents, subsidies and research, transformed this country from an agricultural nation to the greatest industrial nation of the world. The value of industrial products increased over thirty times.[13] Little businesses, and the individual business man, were eliminated by corporations, trusts and monopolies. Commerce was carried on with a constantly increasing balance of exports over imports.

[13] In 1861 about 2 billions; in 1919 = $62,418,079,000.

America was producing, not only for itself, but for a great portion of the world.

With the end of the World War, our great industrial capacity was rapidly changed over from the manufacture of war materials to the production of peace time commodities. Orders for goods to replace the destruction in war-worn Europe, together with our own accumulation of unsatisfied wants, and a long overdue period of building construction, resulted in a further extension of our industrial capacity. In the ten years, from 1919 to 1929, industrial production increased in volume, over forty per cent,[14] but due to lower prices the increase in money value was only about eight billions.[15] In the same time agricultural products, although they had increased in volume, had decreased in money value.[16]

The total production of all kinds in 1929 has been valued at ninety-five billions. This great volume represented only the actual production. The productive capacity of America, at that time, has been estimated at over one hundred and thirty-five billions;[17] more than sufficient to supply the needs of every American. This estimate can be readily believed. The automobile industry, which produced five and a half million cars, in 1929, was said to have been able to produce "eight to ten million cars."[18] Within five years this would have supplied every American family with two automobiles.

Due to increased use of machinery and electric power, the advance of over forty per cent in the volume of industrial pro-

[14] 1919 = 100%; and 1929 = 143%.
[15] 1919 = $62,418,079,000; and 1929 = $70,435,000,000.
[16] 1919 = $16,935,000,000; and 1929 = $11,941,000,000.
[17] See National Survey of Potential Product Capacity.
[18] See Report of Senate Committee on Bill for National Economic Council (71st Congress), S. 6215, page 376.

duction was accomplished with an actual decrease in the number of workers. In these ten years the amount of electricity generated was more than doubled.[19]

The economic function of electricity is to replace labor, but the advantage goes to capital. Only about twenty-five per cent of the income paid out by the electric power industry is for wages and salaries; the remaining seventy-five per cent goes as a return on capital. Under the existing economic arrangement, such distribution results in a concentration of wealth and disturbs the balance between supply and demand.

By the fall of 1929, the effect of this technological advance, together with the sudden withdrawal of credit, abruptly ending a period of wild speculation, caused the collapse of the stock-market and began the most severe depression in the history of this country.

The effect of this financial panic upon production was disastrous. Brakes were applied to the entire economic structure and our powerful machine of production was shaken to its foundations. As the increasing body of unemployed became unable to purchase their share of the commodity supply, many foolishly jumped to the conclusion that the disaster was caused by over-production. This stupid diagnosis lead to the application of an even more stupid panacea. Production was decreased to balance the diminishing purchasing power. This resulted in further unemployment, with still less purchasing power, requiring even less production, until finally, distribution and production chased each other downward in a vicious cycle.

The fault lay, not in our ability to produce, but in our unwillingness to distribute in accordance with our needs. Nature distributed human needs equally, but man-made economic rules required that they be supplied unequally.

[19] In 1919 = 38,921 million kilowatts; 1929 = 97,352 million kilowatts.

Our powerful productive machinery is controlled by a system of private ownership which operates production for its own profit, not for its utility to society. In turn, the owners are dependent upon the financial structure to distribute production and return a profit. This financial structure is so insecure that it has been known to break down over a dozen times within the brief history of our nation. When those who own the productive machinery see signs of weakness in the financial structure that might endanger their profits, they shut off production. So long as this arrangement continues, America can never expect to derive the full benefit of its great ability to produce.

By 1932 the volume of production had diminished to less than half the amount actually produced in 1929. Less than one-third of our capacity to produce was in use. From 1929 to the present, production has remained below the level it then attained. We have not only failed to develop increased capacity, but we have never used the capacity we had. The wealth we failed to create within these years, would have more than equalled all the wealth of this nation, at the time of its greatest value.[20]

From the beginning of the depression the possibility of profit was so uncertain that the owners of the system of production were unwilling to do little more than supply the immediate demands. Production had to look for a new vital force. The new source of power was the same which supplied initiative to our industries during their infancy, and which came to its rescue during every period of weakness. Public money expended by government for public works, loaned to private industry and given to those who otherwise would have been unable to buy the necessities of life, gave new life to a totally inert economic structure. The possibility of profiting at the

[20] The national wealth in 1929 was estimated at 360 billions.

public expense tempted the owners to increase production, and industry slowly revived.

We have witnessed the erection of a great productive machine capable of providing an abundant supply. We have achieved the first essential of our economic democracy, a productive system able to satisfy the needs of every American. But we have seen production stifled, and stopped, just as it was about to accomplish its purpose. Poverty and want still stalk in our land, but through no lack in the bounty of nature, or in our ability to produce. We must seek the flaws in other parts of our economic structure, the systems of distribution and property ownership.

CHAPTER XXIV

# THE SYSTEM OF DISTRIBUTION

*"A great industrial nation is controlled by its system of credit. Our system of credit is privately concentrated. The growth of the nation, therefore, and all our activities are in the hands of a few men who . . . by very reason of their own limitations, chill and check and destroy genuine economic freedom."*

WOODROW WILSON.[1]

THE vast wealth produced in this country is valuable only when it is used to satisfy the needs of the people. Commodities and services cannot seek the person or place where they are most needed; they reach their destination through a system of distribution. The aim of such a system should be "the greatest good to the greatest number." It must be tested not by the profit it abstracts, but the happiness it creates.

In primitive society each gathered from nature only enough for his own needs. Later, as man became more capable, he produced a surplus of some commodities which he exchanged for the excess production of others in order to obtain variety. With the growth of productive capacity, the kinds of commodities and services increased, and there evolved a complex system by which they were exchanged. A medium was used to facilitate the many transactions; money became the nucleus of the entire system of distribution.

[1] Woodrow Wilson: "The New Freedom."

From the time of its establishment, money has taken many forms. First, it was required to have actual utility, as shells, furs and grain; then intrinsic value, as gold, silver and bronze coins; then merely representative of value, as notes and paper currency; finally, to-day, money is used mainly in its intangible form through the exchange of accounts and credits. Some economists limit the term money to coin of intrinsic value; they designate paper as currency or representative money, and do not consider credits, especially those bearing interest, as money at all. However, all these forms are related in the sense that they assist in the distribution of real wealth in the form of commodities and services.

The functions of money are as numerous as its forms. It acts principally as a medium of exchange, but it is also used to measure the value of real wealth, and to designate value in denominations or units. Money itself is not real wealth, for it no longer has utility value of its own. Some economists claim that money should have intrinsic value, as gold, so it can act as a standard of value. Others hold that money can be used to store value for the future, and to transport value from place to place. Still others say it acts as capital and assists in the production of real wealth.

However, the primary and important function of money, and the financial system developed from its uses, is to distribute wealth so as to satisfy the needs of man. In serving in this capacity, money has developed another important function, for it acts as a means by which man expresses his needs or demands. It has become an economic ballot, for in using money to purchase a commodity, one, in effect, is voting for that commodity and demanding its production. Aided by this expression of demand, our economic systems are supposed to be able to balance supply and demand. Unfortunately, this delicate balance frequently breaks down, production stops, factories close and men are thrown out of employment. These disasters are not

due to lack of real demand. The needs of many have not been supplied and remain unknown, because of lack of money with which to voice these needs. This lack of money does not result from any delinquency on the part of the people, but from defects and mismanagement within the system of distribution itself.

The disfranchisement of many of our people from voting their economic needs prevents a true expression of our economic requirements; just as the disfranchisement from political suffrage conceals true public opinion. In this respect our monetary system fails to comply with the first principle of democracy, equality.

A review of the evolution of our system of distribution reveals that, despite apparent conditions, we are about to take a substantial step toward this goal of democracy.

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The domination of the colonies by Great Britain was accomplished mainly through financial control. Little money of any kind was permitted to accumulate in the colonies. Metallic money that drifted in through commerce, chiefly with the West Indies, was quickly drained off to meet the demands of English trade. Scarcity of circulating medium forced into use as currency, wampum, musket balls, pelts, tobacco and similar makeshifts.

As early as 1690, the colonists developed the institution of paper currency. It was successfully issued in New England for over a half century, and its use had spread through all the colonies. In 1751, Parliament prohibited the colonies from issuing currency. The opposition of Benjamin Franklin was first aroused by this mandate against "natural right," which prevented the issuance of money even though "the languishing circumstances of our trade be ever so great, and a further

or greater medium be ever so necessary for its support."[2] This not only precluded the development of any system of distribution within the colonies, but prevented commercial interrelationship, divided their economic strength, and held them completely under British economic control.

The absence of any financial system was one of the greatest handicaps to our new nation. Even before the Declaration of Independence, the Continental Congress had violated British prohibitions, and issued several millions of dollars in paper currency to pay the colonial soldiers. No authority was given to Congress to levy taxes, hence our Revolution was fought and won almost entirely with paper money. Less than one-tenth of the total cost of the war was paid with metallic coin, most of which was borrowed from abroad.

In addition to the currency issued by the Continental Congress, the colonies individually issued an equal amount of their own notes. The total currency thus issued totalled over four hundred million dollars. Unfortunately, there was no immediate support for this vast volume of money. Failure of the Continental currency to maintain its position was not due to the fact it was printed on paper, but to more substantial causes. Supplies of all kinds were low because of the drains of war; our industries were not developed to meet the demand for commodities which naturally rose in price; foreign nations, doubtful of the ability of the United States to maintain the independence it had gained, were not anxious to lend on the credit of the new government; the Articles of Confederation had given Congress no authority to support its currency by taxation, only the states could exercise this right, which they did for their individual interests; most of the wealthy were still tories, and hence were especially opposed to taxation to pay for the victory; but the main cause was the absence of

[2] Benjamin Franklin: "Report of Committee of Aggrievances of the Assembly of Pennsylvania," 1757.

any financial structure or any national government with authority to establish such a system.

In contrast to the extensive financial system operating in this country today, the United States, at the time of the Revolution, was almost without financial institutions. The people were ignorant of methods of finance. They were opposed to the practice of usury, and considered any method of obtaining money without "honest toil" a form of theft. Despite this lack of a financial structure, the rapid increase in our industries had enabled the country to recover from the depression, which followed the Revolution, before the adoption of the Constitution.

At that time, there were only three banks in the entire United States. These were located in each of the principal cities of New York, Philadelphia and Boston. Banking was looked upon with suspicion. The public held the view expressed by Jefferson, "I sincerely believe, that banking establishments are more dangerous than standing armies."[3]

Alexander Hamilton, as Secretary of the Treasury in Washington's cabinet, recommended establishing a national bank as a means of providing paper currency, and generally to aid both government and business. He was unquestionably correct in claiming that a properly operated national banking system could accomplish these results.

Banking is essential to an economic arrangement dependent upon a circulating monetary system. It acts as a conduit through which the wealth of the country can be made to flow into proper channels. Unfortunately much of this wealth has been known to accumulate on the sides of the conduit, until that which trickles through is insufficient for the public good. The value of a bank to the people depends as much on the motives behind

[3] Thomas Jefferson: Letter to John Taylor, May 28, 1816.

the control as upon the efficiency of its management. Control may be exercised for the public good, or for private profit. If controlled for the public good, a banking system can conduct the resources of the nation through the forces of production to supply the needs of the people.

Unfortunately for the nation, Hamilton was a disbeliever in democracy; he held, "inequality of property to be the great and fundamental distinction in society."[4] The United States Bank, chartered in 1791, was planned and erected according to this doctrine. Control was centered in private hands. Private profit was naturally the first consideration, the common good was secondary, and a great inequality in the distribution of wealth was the inevitable result. After this banking system had been in operation for a time, it was evident, as Jefferson charged, "It is raising up a money aristocracy in our country which has already set the government at defiance."[5]

The "Hamilton financial system" was described by Jefferson, as follows: "It had two objects; 1st, as a puzzle, to exclude popular understanding and inquiry; 2d, as a machine for the corruption of the legislature; for he avowed the opinion, that man could be governed by one of two motives only, force or interest; force, he observed, in this country was out of the question, and the interests, therefore, of the members must be laid hold of, to keep the legislative in unison with the executive. And with grief and shame it must be acknowledged that his machine was not without effect; that even in this, the birth of our government, some members were found sordid enough to bend their duty to their interests, and to look after personal rather than public good."[6]

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[4] Alexander Hamilton: Cited in "Essentials of American Tradition," by Jesse Lee Bennett.

[5] Thomas Jefferson: Letter to Dr. J. B. Stuart, May 10, 1817.

[6] Thomas Jefferson: "The Anas."

The United States Bank was permitted to expire in 1811, at the end of its twenty year charter. The need for a banking system was temporarily supplied by numerous banks, chartered by the states. These issued their own notes, which circulated at a discount, and created unsettled economic conditions during the War of 1812.

The second United States Bank, chartered in 1816, sought to remedy the defects in the first by giving the government a larger, but not a controlling interest in its affairs. Its charter expired in 1836, during the second administration of Andrew Jackson, who had already shown his disapproval by removing the government deposits. Jackson's opposition to the bank was founded upon two grounds. As the fiscal agent of the government, the bank and its stockholders profited from its monopoly of the use of government funds and currency powers. Jackson held, if the bank was necessary, a way should be devised so as to "secure all the advantages to the government and country that were expected to result from the present bank."[7] His opposition was also based upon a belief in metallic, or "hard money," as against "bank notes."

Failure to recharter the bank, or replace it by any other banking structure, left an opening which was immediately filled by a rapid increase in banks, chartered by the states. Many of these operated only as a means of speculation in public lands. The issuance of the "Specie Circular," in 1836, requiring payment for public land to be in specie, ended this land speculation, caused the collapse of many of these banks, and precipitated the panic of 1837. The industrial advance was temporarily checked. The country resumed its progress only after its productive force was revived. It relapsed into another panic in 1857, brought about by over-speculation in railroad securities. Financial institutions were badly damaged, but the indus-

[7] Andrew Jackson: First Annual Address, December 8, 1829.

tries were only slightly affected and the country went forward only to be stopped by war.

The Civil War opened with a panic in 1861, but industry was quickly revived when the government began purchasing materials. The war was estimated to have cost the country nine billion dollars, "three times as much as the slave property of the country was ever worth."[8] This huge loss was financed by taxes, increase in the public debt, and by issuance of legal tender paper money, called "greenbacks." The blame for the chaotic financial conditions during the war, and the period following it, has been unfairly heaped upon the greenback. The amount of such paper money issued was only slightly over four hundred million dollars, while the indebtedness piled up in the form of interest-bearing obligations was seven times as great. This debt of nearly three billion dollars was purchased by private banks, many of them set up under the National Bank Act of 1863, for the sole purpose of profiting, by buying up these interest bearing government securities, against which they were permitted to issue their non-interest bearing bank notes. Many of these bank notes, which circulated as money, were later wiped out by bank failures, but the greenbacks yielded their holders one hundred cents on a dollar, and are circulating at full value today. Commodity prices rose temporarily as against the greenback, because of the destruction of materials by the war, and because our industries then turned to making war materials, and also because of uncertainty, created by the legal attack on the greenback which was decided first against their validity, but finally in 1870, in their favor. Shortly thereafter the paper dollar rose nearly to a par with gold. Despite the popular misconception to the opposite, commodity

[8] D. A. Wells: Special Commissioner of Revenues, Report, 1869.

prices did not rise, but continuously fell as against the greenback from 1865 until the end of the century. By that time the greenback was worth over twice as much in commodities as when it was first issued, since the great productive forces of the country had more than overcome the destruction of the war. The greenback proved that commodity prices, in this country, depend on the law of supply and demand, and not on whether the dollar is printed on paper, or minted in gold.

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After the Civil War, financial circles still continued to demand gold and the retirement of the greenback. Although gold was being mined in increasing quantities, it was still sufficient to retire only a small part. Most of the people were satisfied with the greenback, and some even advocated a larger issuance. The false prosperity and era of speculation that followed the Civil War collapsed in 1873, creating a financial panic. In the midst of this, Congress, listening to advice from the gold advocates, stopped minting silver dollars. This action, together with the withdrawal of paper money, inflicted great hardship on debtors, and raised an agitation for "bi-metalism." To repair the damage, Congress revived the issuance of silver certificates, and set up a more extensive monetary system.

For a while, production moved forward, but speculation in railroad securities again led to a panic in 1893. Financial interests immediately claimed this proved the country required a single gold standard. Actually, the railroads had been extended far beyond the immediate ability of the people to utilize and pay for their services. If anything, the currency of the country had not expanded in proportion to its productive capacity, which was proven by the constant fall in the price of commodities. An intensive political struggle began between the monied

interests, which considered the gold standard necessary to their continued control, and the "common people," who demanded an increase in the monetary supply by the use of both gold and silver. Bi-metalism lost when it became a direct issue in the presidential campaign of 1896.

As a result of this election, a single gold standard was adopted in 1900. The effect of tying the currency to the gold supply soon became evident. New discoveries of gold, together with foreign demands for our products, began to increase prices, and the followers of the gold standard claimed it meant prosperity. To meet this, the country began to expand its industrial capacity. Soon the balance turned, and capital limited to the gold supply was insufficient to meet the demand for expansion. A panic followed in 1907 due to lack of elasticity in the monetary structure. The necessity for reform was evident, and caused a general clamor for action of some kind. Rather than sacrifice the principle of the gold standard, an attempt was made to remedy the defects by a change in the banking structure to permit greater expansion of credit. The Federal Reserve Act passed in 1913, was a development of this theory of expanding the distributive system through bank credits.

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The Federal Reserve Banking System closely approached a complete government banking system. All national banks, and those state banks which desired, were brought within this single system. The country was divided into twelve districts, each with its Federal Reserve Bank. The capital of these Reserve Banks was subscribed by the member banks, in proportion to their own capital and surplus. Each reserve bank was governed by nine directors, three of whom were appointed by the government. The whole system was controlled by a Federal Reserve Board, consisting of the Secretary of the Treasury,

Comptroller of the Currency, and six others appointed by the President. The element of government control was vastly greater than in any former system, but the institution was owned by private capital on which it was required to yield an annual dividend of six per cent. The natural result of this private ownership was that it tended to function more for private profit, than for public good. A survey of its period of operation demonstrates this obvious defect.

The purpose of the Federal Reserve Banks, as expressed by the act, was "to furnish an elastic currency." However, the result has been to confuse "currency" with "credit." Currency does not bear interest, while credit does. Powers of currency were given to the Federal Reserve Banks, but the people and their government obtained only credit in return. The people, both individually and collectively through their government, have been forced to borrow their own "currency," at interest, the same as for money borrowed from a private moneylender.

In the difference between interest-bearing credit, and non-interest-bearing currency, lay a source of danger. The effect of an "elastic credit," with constantly increasing interest requirements, is quite different from the effect of an "elastic currency." Increasing interest payments drain the force of distribution away from those who need, and conduct it to those who do not need. The resulting concentration of wealth prevents many from voicing their demands; the balance between supply and demand is upset, and depression follows.

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At the time of the passage of the Federal Reserve Act, financial conditions indicated an approaching depression, but the outbreak of war in Europe, in 1914, created an unusual demand for American materials, which stimulated industry.

The Reserve System went into effect in time to finance much of this foreign trade, the bulk of which still remains unpaid.

The first test of this system came with our participation in the World War. The Federal Reserve System has been credited with financing our victory, but statistics tell a different story. Between 1917 and 1920, less than eleven per cent of the total funds of the Federal Reserve Banks were used to purchase government bonds.[9] The various member banks subscribed only in the same proportion. Out of the twenty-five billion dollars required by the government for the war, less than three billions came from the banks; the public furnished the twenty-two billions. It was the "common people" who gave and borrowed, with money rates at six per cent and over, to buy the three and four per cent bonds of the government.

Ever since its beginning, the system has operated as a private bank would be expected to operate, for its own advantage. By 1921 industry had caught up with some of the wants left unsatisfied during the war, and a depression followed. The people were forced to sacrifice their government bonds, and the Federal Reserve bought them up below par. In 1922, nearly half their funds were in these bonds. When the danger point passed, the Federal Reserve reached out for more profitable commercial loans. Foreign trade was again encouraged, and our industries expanded to meet demands, which were never to be repaid. Following the example of their fiscal agent, the people invested heavily in the stocks and bonds of our expanding industries. In order to pay returns on this increased capital, dividends and interest payments more than doubled between 1919 and 1929;[10] but industrial payrolls increased less than ten per cent;[11] while the return to the farmers actually fell off over twenty-five per cent.[12]

[9] Federal Reserve Report, March, 1920: $346,781,000 out of $3,200,219,000.
[10] 1919 = 100%, 1929 = 248.5%, calculated from U. S. Statistical Abstracts.
[11] 1919 = 100%, 1929 = 109.7%, calculated from U. S. Statistical Abstracts.
[12] 1919= $16,935,000,000, 1929 = $11,911,000,000 U. S. Statistical Abstract.

In October of 1929, less than eleven per cent of the funds of the Federal Reserve were in government bonds,[13] but realizing the situation, it began to withdraw its credit. Then followed a collapse of security markets, unparalleled in history. The Reserve System continued to withdraw credit, and used its funds to buy up the government bonds which the people were forced to sacrifice. Within a year, half its funds were again in government bonds.[14]

Early in 1932, with conditions still worse, the Federal Reserve asked and obtained the right to issue currency against government bonds.[15] Immediately the Federal Reserve increased its holdings by leaps and bounds. All other credit was refused and called; within a year, seventy-five per cent of its holdings were in government securities.[16]

In seeking to save itself, without regard for the people, the banking system had earned the disrespect of the public. The people began to withdraw their money, and in many instances demanded gold. New currency issued to meet these demands, added billions to the money in circulation, but could not stem the tide. Thousands of banks closed, and it was evident the Federal Reserve System had failed to meet the emergency. On March 5, 1933, with a total collapse impending, a general "Bank Holiday" was declared. The government had come to the aid of the system, which had been erected to aid government.

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In order to strengthen the tottering structure of the Federal Reserve, the government added to its currency powers, even to the point of making it compulsory for the people to accept

[13] Federal Reserve Report, September, 1929: $162,000,000 out of $1,458,000,000.
[14] Federal Reserve Report, September, 1930: $597,000,000 out of $1,103,000,000.
[15] Glass-Steagall Bill; February, 1932.
[16] Federal Reserve Report, March, 1933: $1,838,000,000 out of $2,593,000,000.

the non-interest bearing Federal Reserve notes, as legal tender.[17] The authority for this law was the old Greenback Act of February 25, 1862, which was held to be constitutional, as an exercise by Congress of its currency powers. The issuance of legal tender by the government was unquestionably constitutional. The delegation of this power to a privately owned organization, to issue legal tender for its own profit, remains to be tested as to its constitutionality. When we consider that our Constitution flatly refuses the sovereign states the power to issue coin or currency, it is surprising that this right of super-sovereignty was delegated to the Federal Reserve System, while it still remained privately owned. As a result of these additional currency powers, nearly one hundred per cent of the funds of the Federal Reserve were placed in government bonds.

To further strengthen the system, the people were ordered to turn over their gold to the Federal Reserve Banks,[18] so as to create a gold backing for their paper. The refusal of some Americans to comply, on the ground that the Federal Reserve Banks were privately owned, forced a further order by which the government took over the gold of the Federal Reserve. This earned for the people a profit of over four billion dollars which resulted when the gold content of the dollar was decreased.

To-day the currency of the Federal Reserve circulates as legal tender, but the gold behind it is owned by the Federal government. The security for these notes consists in the guarantee of the government contained in the Federal Reserve Act, and the government bonds held by the Federal Reserve. By this arrangement the government is forced to borrow its own credit, and pay interest for "the privilege."

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[17] Emergency Banking Act, March 15, 1933, and subsequent acts.
[18] Executive Order, August 28, 1933.

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In order to strengthen the tottering structure of the Federal Reserve, the government added to its currency powers, even to the point of making it compulsory for the people to accept

[13] Federal Reserve Report, September, 1929: $162,000,000 out of $1,458,000,000.
[14] Federal Reserve Report, September, 1930: $597,000,000 out of $1,103,000,000.
[15] Glass-Steagall Bill; February, 1932.
[16] Federal Reserve Report, March, 1933: $1,838,000,000 out of $2,593,000,000.

the non-interest bearing Federal Reserve notes, as legal tender.[17] The authority for this law was the old Greenback Act of February 25, 1862, which was held to be constitutional, as an exercise by Congress of its currency powers. The issuance of legal tender by the government was unquestionably constitutional. The delegation of this power to a privately owned organization, to issue legal tender for its own profit, remains to be tested as to its constitutionality. When we consider that our Constitution flatly refuses the sovereign states the power to issue coin or currency, it is surprising that this right of super-sovereignty was delegated to the Federal Reserve System, while it still remained privately owned. As a result of these additional currency powers, nearly one hundred per cent of the funds of the Federal Reserve were placed in government bonds.

To further strengthen the system, the people were ordered to turn over their gold to the Federal Reserve Banks,[18] so as to create a gold backing for their paper. The refusal of some Americans to comply, on the ground that the Federal Reserve Banks were privately owned, forced a further order by which

l of the Federal Reserve.
: of over four billion dol-
content of the dollar was

eral Reserve circulates as
: is owned by the Federal
notes consists in the guar-
1 the Federal Reserve Act,
the Federal Reserve. By
forced to borrow its own
rivilege."

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and subsequent acts.

We have observed the institution of private banking in its attempt to operate our system of distribution. We have seen both the people and their government borrow their own monies at interest. From this interest those in control have taken a tribute for their services. Often this tribute has been well deserved, but too often their financial dictatorship has been too heavily tinctured with self-interest.

For the greatest part, the financial system has been but a poor reflection of our great resources and productive ability. It has either stood in the way of the expansion of our industries, or has indulged in a wild orgy of speculation on the expectation of increased private profits. Fully one-fourth of our nation's history has been blighted by financial depressions, which have not only halted production but created untold human misery. Tested by its ability to create happiness, the financial system has failed.

The situation has narrowed down to a single question: what should be the motive behind the system of distribution, private profit, or public good? There are some who insist that private profit is an essential ingredient. It is true that private initiative, as an urge to create, is an incentive to production, but it does not follow that the "itch" to acquire, on the part of those entrusted with distribution, is of any value to society as a whole.

The entire banking structure has been gathered into one complete system, labeled the Federal Reserve System. It has been given powers of currency which belong to the people. Jefferson once advised that, "Bank paper must be suppressed, and the circulating medium must be restored to the nation to whom it belongs."[19] The situation has now passed beyond this point. Both the powers of accuracy and the control of credit, are centered in one institution. Many Americans are urging our government to take over the Federal Reserve Banks, and

[19] Thomas Jefferson: Letter to John W. Eppes, September 11, 1813.

in this way, return both currency and credit to the people to whom they properly belong.

Under slavery, the master controlled distribution. Under monarchy, distribution was controlled through the feudal system by royalty and the feudal lords. Under capitalism, the capitalist controlled distribution. Under democracy, control will be by all the people, through their agent, government. When this is done, our banking system can be controlled for the public good, with the ultimate distribution of greater happiness.

## CHAPTER XXV

# PROPERTY

> *"The freest government can not long endure when the tendency of the law is to create a rapid accumulation of property in the hands of a few and to render the masses poor and dependent."*
>
> DANIEL WEBSTER.[1]

PROPERTY is the right by which a man claims a thing as his own. It includes far more than mere material objects. Madison wrote that property "embraces everything to which a man may attach a value and have a right; and which leaves to everyone else the like advantage."[2]

The basis of all property is man's equal right to life. Before a man devours the food with which to sustain his life, he claims it as his own; it becomes his property. In this sense property is a natural right, an important part of the greater right to life. Man's natural right of property is derived from his creation, and as such, all other men are equally entitled to the same right.

Primitive man enjoyed only possession, not property, for there was no one to enforce his rights but himself. Property,

[1] Daniel Webster: Quoted in "The Essential American Tradition," Jesse Lee Bennett.

[2] James Madison: "Property," National Gazette, March 29, 1792.

as a right, was first recognized with the beginning of society. But like other institutions of society, it began with an abuse of man's natural equal rights.

Man's social rights arise from his natural rights, and hence the right to property, in society, is right only so far as it is founded on man's natural right to life. Paine wrote relative to "Equality of Natural Property" that "every individual in the world is born therein with legitimate claim on a certain kind of property, or its equivalent."[3]

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In primitive society, ownership was acquired by taking things directly from nature, either by skill or force. Rights were maintained through the ability to retain possession. Society, ruled by force, sustained the "rights" only of the strongest. Later, man began to cultivate the earth and added his labor to manufacture. Society recognized that labor gave an added value, and that became a new basis for ownership. Economic customs grew up, and goods were exchanged, on the basis of the value added by human labor power. But the wrongs, with which social institutions began, were not easily cast aside. Possession and occupancy were still retained as the source of title to land. So when one wished to cultivate land, or manufacture from its products, he still had to pay for the right to use the things of nature. Society was dominated by those who had seized possession of the earth. The institution of property was developed accordingly. The tribute exacted from the one who gave his labor left him only a bare existence. The added property value accrued mainly to the benefit of those who already held property.

As inequality begets inequality, inequality of property acted both as a cause and as a result. The pressure, wielded by

[3] Thomas Paine: "Agrarian Justice."

wealth, stamped its impression on every institution of society. Government was created as a means of protecting accumulations of property, and laws were promulgated to make these "rights" perpetual. Economic customs grew up, predicated on the theory that unequal rights of property were entitled to unequal shares in distribution. Rents, interests and profits, collected through the force of society, increased the inequality from which they were derived. Social advantages, gained through wealth, became the basis of distinctions that entitled the holder to further advantages. The entire functions of society were devoted to the preservation and perpetuation of inequality, the nucleus of which was inequality of wealth.

Life itself was diverted from the "pursuit of happiness" to the quest for property. This institution, which could have served a useful purpose in sustaining and adding to the enjoyment of life, had been distorted into an instrument of power. This has led philosophers to question, "whether that state that is proudly, perhaps erroneously, called civilization, has most promoted or most injured the general happiness of man."[4]

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Our American philosophers recognized that the unequal distribution of property was a virulent source of man's unhappiness. Madison wrote, "The most common and durable source of factions has been the various and unequal distribution of property."[5] Because of the tendency of property to accumulate, he made the gloomy prediction that, "In future times a great majority of the people will not only be without landed, but any other sort of property. These will either combine, under the influence of their common situation: in which

[4] Thomas Paine: "Agrarian Justice."
[5] James Madison: Federalist Papers, No. 10.

case, the rights of property and the public liberty, will not be secure in their hands: or which is more probable, they will become the tools of opulence and ambition, in which case there will be equal danger on another side."[6]

Jefferson attributed the economic disorders, which result in unemployment and poverty, to this same cause. As minister to France, he saw in conditions there, "enormous inequality producing so much misery to the bulk of mankind," that he concluded, "whenever there are in any country uncultivated lands and unemployed poor, it is clear that the laws of property have been so far extended as to violate natural right."[7]

Rights to property, recognized and protected by society, accumulated and perpetuated through its laws, had developed into such an institution of inequality, that it denied rather than enforced, the natural right to life. Because of this Jefferson used the broad "right to life," rather than "the right of property," when he enumerated the rights of man in the Declaration. This was intentional. One of Jefferson's biographers tells, that when Lafayette submitted to Jefferson his "Declaration of the Rights of Man," Jefferson suggested the elimination of the "right of property" from the list of natural rights.[8]

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At the time of the Revolution, civilization was just emerging from the blight of feudalism. The feudal system had been the most extensive institution the world had ever known. It combined political, economic and social structures into one complete system, erected upon a foundation of inequality of rights.

Quoting Rousseau, John Adams had condemned the feudal

[6] James Madison: Notes of the Constitutional Convention, August 7, 1787.
[7] Thomas Jefferson: Letter to Rev. James Madison, Oct. 28, 1785.
[8] See: Gilbert Chinard, "Thomas Jefferson, The Apostle of Americanism."

system as "'That most iniquitous and absurd form of government by which human nature was so shamefully degraded.' It would be easy to multiply authorities, but it must be needless; because, as the original of this form of government was among savages, as the spirit of it is military and despotic, every writer who would allow the people to have any right to life or property or freedom more than the beasts of the field, and who was not hired or enlisted under arbitrary, lawless power, has been always willing to admit the feudal system to be inconsistent with liberty and the rights of mankind."[9]

By the eighteenth century, much of the structure of feudalism had been swept away through a series of rebellions, but its roots remained embedded in the English law of property. One of the objects of our own Revolution was to prevent its establishment in this country, but it had already been brought in with the very charters that established the colonies.

With the opening of hostilities against Great Britain, the colonists began an attack to rid their property laws of feudalism. One of the worst features appeared to be the creation of "entailed" estates. This was a method by which title to land was perpetuated within a family, to the exclusion of the rest of the world. The laws of all the colonies had eliminated this feature by the time the Revolution had ended.

In order to further break up the concentration of wealth, the Continental Congress, in 1777, urged the Colonies to confiscate the large land holdings of the Tories. Some of these estates extended over hundreds of square miles, and were operated as feudal manors, returning great fortunes in rents to their owners. Among those estates to be confiscated were the Penn properties in Pennsylvania, the Pepperell estate in Massachusetts, the Philipse, Morris and Johnson manors in New York and the lands of Governor Wentworth in New Hampshire.

[9] John Adams: "Dissertation on the Feudal and Canon Laws," 1765.

The legislatures of the new sovereign states followed by enacting more democratic laws of inheritance. They eliminated the feudal rule of primogeniture, by which the eldest son inherited the entire estate. This reform was a partial application of our American philosophy of equality. Some had urged the adoption of the Hebrew principle of giving double to the eldest son, but Jefferson insisted on equality, based upon equal needs. He argued, "If the eldest son could eat twice as much, or do double work, it might be a natural evidence of his right to a double portion; but being on a par in his powers and wants, with his brothers and sisters, he should be on a par also in the partition of the patrimony."[10]

Jefferson was proud of the part he had played in these reforms, and considered the task of abolishing feudalism largely accomplished. He wrote, "At the first session of our legislature after the Declaration of Independence, we passed a law abolishing entails. And this was followed by one abolishing the privilege of primogeniture, and dividing the lands of intestates equally among all their children, or other representatives. These laws, drawn by myself, laid the axe to the foot of pseudo-aristocracy."[11]

These reforms, enacted early in our history, resulted in less concentration of wealth in the United States than in those countries where the old laws were retained.[12] De Tocqueville wrote, "The Laws of the United States are extremely favorable to the division of property; but a cause which is more powerful than the laws prevents property from being divided to excess."[13] It was commonly supposed and even decided by our courts, that the lands of America were no longer under the feudal system.[14] Unfortunately both the feudal law, and

[10] Thomas Jefferson: "Autobiography."
[11] Thomas Jefferson: Letter to John Adams, October 28, 1813.
[12] See: "Wealth and Income of the People of the United States," W. T. King.
[13] De Tocqueville: "Democracy in America."
[14] Wallace v. Harmstead, 44 Pa. 492.

its doctrine of inequality, remained as the underlying theory of our property law. Property could still be used as a means to create and accumulate more property without limit; fortunes could still be perpetuated through inheritance; and the law still failed to distinguish between property for personal use, and property essential to society as a whole.

Accumulation of property is accomplished by using property, not as a means for sustaining and enjoying life, but as an end in itself. James Wilson wisely observed that "Property, highly deserving security, is however not an end, but a means. How miserable, and how contemptible is that man, who inverts the order of nature, and makes his property, not a means, but an end!"[15]

Although philosophers have proven that a man's right to property is limited to his needs and the enjoyment of life, society has never seen fit to place any limitation on the amount of property which one might accumulate. The "manifest absurdity" still exists that one man might accumulate property until, "he alone of all the teeming population of the earth would have the right to live."[16]

These accumulations are built up in the form of "rights" secured not only upon existing property, but upon property which is to be created in the dim future. This is done through contracts extending far beyond the present generation, which the law upholds in total disregard of the equal rights of coming generations. These render it impossible for future Americans to be "created equal."

Taxation placed directly upon property has been used to prevent these accumulations. Jefferson suggested a "means of

[15] James Wilson: "Introductory Lecture on the Study of Law," 1790.
[16] Henry George: "Progress and Poverty."

silently lessening the inequality of property is to exempt all from taxation below a certain point, and to tax the higher portions or property in geometrical progression as they rise."[17] The influence of wealth has prevented American legislation from following this suggestion too literally. The sixteenth amendment to the Constitution, permitting graduated income taxes, represents the greatest single step taken to prevent accumulation.

Inheritance results from man's natural desire to protect his posterity from the hardships which he himself has been forced to encounter. We look with favor on laws of inheritance because of the happiness the legacy carries to the fortunate recipient, but we overlook its other side, the inheritance of poverty by those who are thereby disinherited of their equal endowments from the Creator.

The security of one's posterity depends primarily upon the security of society as a whole. If society is able to provide security and social advantages for all, it will accomplish the task of securing posterity more surely than any act of the individual.

Our democratic principles include the gradual removal of the right of inheritance, as a source of inequality. This was expressed by Jefferson as follows: "The laws of civil society, indeed, for the encouragement of industry, give the property of the parent to his family on his death, and in most civilized countries permit him even to give it, by testament, to whom he pleases. And it is also found more convenient to suffer the laws of our predecessors to stand on our implied assent as if positively re-enacted, until the existing majority positively repeals

[17] Thomas Jefferson: Letter to Rev. James Madison, October 28, 1785.

them. But this does not lessen the right of the majority to repeal, whenever a change of circumstances or of will calls for it."[18]

Increased inheritance taxes have tended to diminish the inequalities created by inheritance, and, at the same time, have provided society with the means for giving greater security to all its members. This method of gradually removing the inequality of inheritance through taxation was suggested in an essay by Paine. In explaining his system for "social security" Paine said, ". . . the bequeather gives nothing: the receiver pays nothing. The only matter to him is that the monopoly of natural inheritance, to which there never was a right, begins to cease in his person. A generous man would not wish it to continue, and a just man will rejoice to see it abolished."[19] The use of devices to evade these taxes demonstrates there are many who are neither generous nor just, and who also fail to realize that the future of their families is dependent upon the future of their country.

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One of the greatest advances in our laws of property has been in regulating its use in the interest of society. Originally, ownership of property carried with it the right "to do as one pleased with his own." But this conflicted with the rights of others, and was soon limited so as not to injure another or his property. When it became recognized that property was dependent upon society for its existence, any use which might injure society was prohibited. If necessary to society, it could be taken over by compensating the owners. As Benjamin Franklin said, "Private property is a creature of society, and is sub-

[18] Thomas Jefferson: "Letter to Thomas Earle," September 24, 1823.
[19] Thomas Paine: "Agrarian Justice."

ject to the calls of society, whenever its necessities shall require it, even to the last farthing."[20]

Soon it was recognized that certain kinds of property, held in private ownership, were used in a way that they deeply affected all society. Rather than take over, and pay for the vast amount of such property, society began to regulate its use. It became a firmly established principle of our law that, "When one devotes his property to a use in which the public has an interest, he, in effect, grants to the public an interest in that use, and must submit to be controlled by the public for the common good, to the extent of the interest he has thus created."[21]

Social control was first applied to public utilities because of their peculiar public character, but a series of opinions by our courts broadened this doctrine to include the many businesses and industries, "affected with a public interest," upon which society depends for its daily existence.[22]

The status of social control has been summed up as follows: "Private property, . . . is commonly supposed to be one of the fixed principles of our polity. But generation by generation the right of a man to do what he will with his own has been curbed by the American people acting through legislators and administrators of their own election. Perhaps the most spectacular instances have been the abolition of property rights in slaves by the Proclamation of Emancipation and the calm disregard of property rights in the liquor traffic shown by the passage of the Eighteenth Amendment, but these are only two instances among thousands of cases in which consideration of the public welfare has been deemed to justify interference with property. . . . How much farther such changes will go no man can say. It is conceivable that without any surrender of

[20] Benjamin Franklin: "Queries and Remarks Respecting Alterations in the Constitution of Pennsylvania," 1778.

[21] Chief Justice Waite: Munn vs. Illinois, 94 U.S. 113 (1876).

[22] See: Nebbia vs. State of N. Y., 291 U.S. 502 (1934).

our belief in the merits of private property, individual enterprise and self-help, the American people will press toward a larger measure of public control to promote the common welfare."[23]

In establishing this right of society to control, our courts were careful to add, "This does not confer power upon the whole people to control rights which are purely and exclusively private."[24] A clear distinction has thus been drawn between property used privately, and property used socially. The history of property is that ownership and use in time go along with control. Our property law is moving slowly forward toward the time when society will own and use the property which is essential to the common welfare, while the individual will hold as private property all the things necessary to the enjoyment of his individual life.

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In the different stages of civilization, the ownership of property has been determined in various ways. When man depended on nature alone, things were snatched from the earth and ownership was determined by possession. When man added his labor, through cultivation and manufacture, this was said to give him property in the result. The economic value of property then depended on the factor of human labor power, and property was exchanged on that same basis. Now civilization has arrived at a new stage. Cultivation and manufacture are conducted with constantly less human labor and increasingly greater use of natural forces, harnessed through human ingenuity.

These natural forces are claimed as private property by

[23] "Recent Social Trends in the United States." Reported by Research Committee to President Hoover, 1933.

[24] Chief Justice Waite: Munn vs. Illinois, 94 U.S. 113 (1876).

individuals who base their "right" on the primitive doctrine of possession. This can only be temporary. Human intelligence is certain to demand the application of the American principle that nature, in all its forms, is part of every American's equal heritage. As value becomes added to natural things by the use of natural forces, property will be forced to find a new basis for ownership. It will not be primitive possession; it cannot be the constantly decreasing element of human labor. Property will be created for use; economic systems will value the products on the basis of utility, and ownership will be based upon our needs for the enjoyment of life.

Labor is being so rapidly displaced that our property laws and the existing economic structure have become disrupted. Society already has found it necessary to take property away from some, and give to others, solely on the basis of needs.

We can look forward to the time, not too far distant, when the democratic principle of equal human rights will apply to make the institution of property a means of security, not only for a few, but for all. Private property will not be diminished, but extended to millions of Americans who have never known the security of ownership. Property will become only a means of life, with happiness as its end.

CHAPTER XXVI

# OUR PRESENT ECONOMIC SYSTEM

*"We shall deal with our economic system as it is and as it may be modified, not as it might be if we had a clean sheet of paper to write upon; and step by step we shall make it what it should be."*

WOODROW WILSON.[1]

OUR present economic institutions form a cross section of human evolution. Customs adopted from slavery, feudalism and capitalism, held together by our social tendencies and regulated by an increasing factor of social control, have erected a structure which is still incomplete. The defects in this structure are inherited from the past. Customs, out of keeping with our advanced civilization, retained beyond their usefulness, cause underlying weaknesses which periodically give way, and interrupt our economic progress. These flaws can be found to some extent in our methods of production, to a greater extent in our system of distribution, and to a large extent, embedded in our laws of property. The combined effect appears to contradict the fundamental principles of democracy.

We have observed that the various economic systems do not end abruptly, that they merge slowly with each other, elements of the old remain to combine with elements of the new. The science of economics, like humanity itself, is not prone to give up its old theories with the introduction of new customs. Many economists fail to advance with these changes. The theories

[1] Woodrow Wilson: First Inaugural Address.

of Adam Smith, Ricardo, Karl Marx and others, all with considerable merit in their time, fail to account for the trend of current events. New factors which have sprung up in the paths of human progress compel our economic course to veer in new directions. Increased use of machinery and the trend toward more cooperative production were foreseen, but their advance was considered disturbing elements which would finally disrupt economic functions. Only by casting off the burden of formulas and mathematical absolutes, and viewing the future through the eyes of prophecy, as did Edward Bellamy, was it possible to envision America of to-day and predict these "evils" of the past would evolve into the blessings of the future.[2]

The forces of nature harnessed to man's use are rapidly displacing human labor with the result that "human labor power," as an economic measure of value, is rendered almost worthless. Mass production is piling up commodities so rapidly, that they cannot be distributed on the old basis of "exchange value," before they become antiquated and lose all their value. Gold has almost passed away as a monetary standard. The people of America wish only to redeem their money in commodities of actual use. The cooperative tendency of society is proving itself a greater force than private initiative. The corporation has brushed aside little businesses and made individual capitalism a thing of the past. Economists still talk in terms of the capitalistic system, but America of today is living within a new and different economic structure, the Corporate System.

Let us examine the nature of this institution which is now the center of our economic structure. The corporation is a development of the cooperative characteristics of man. Its

[2] "Looking Backward," 1887, and "Equality," 1891, by Edward Bellamy.

advantage over the economic systems of the past lies in the fact that many are able to participate in the ownership, and hence in the profits of their mutual venture.

The corporation represents a distinct step in our evolution toward economic democracy. Slavery introduced cooperation in production. Feudalism added a definite ingredient of ownership. Capitalism took the economic system out of the hands of nobility and gave it to the more aggressive individuals. The corporate system introduced and expanded cooperation in ownership. Under all these systems, a few have been able to control distribution to their personal advantage. The advance has not progressed far enough. While shareholders are many, they still represent only a small part of all society. Under an economic democracy, all society will cooperate in production, all will own, all will control, and all will participate in the profits.

The corporation is a fictitious creature. It depends entirely upon government for its existence. A charter granted by government brings it into being; it lives under the protection, and becomes subject to the laws of government, and its fictitious existence may be ended by government for many reasons.

These charters are said to give "rights" to the corporation. This, however, contradicts our American principles, for government has only the inalienable rights which the individual citizens have entrusted to it for their equal benefit. Nevertheless, the "rights" granted to corporations frequently consist of special privileges, monopolies and even sovereign powers of government. Paine wrote: "It is a perversion of terms to say that a charter gives rights. It operates by a contrary effect, that of taking rights away. Rights are inherently in all the inhabitants; but charters, by annulling those rights in the majority, leave the right, by exclusion, in the hands of a few."[3]

As though to add insult to injury, charters usually provide

[3] Thomas Paine: "Rights of Man."

that these corporate rights shall be "perpetual." Our American philosophy holds, "The illuminating and divine principle of the equal rights of man relates, not only to the living individuals, but go to generations of men succeeding each other. Every generation is equal in rights to the generations which preceded it, by the same rule that every individual is born equal in rights with his contemporary."[4] It has further been stated, "There never did, there never will, and there never can exist a parliament, or any description of man, or any generation of men in any country, possessed of the right or the power of binding and controlling posterity to the end of time."[5] Despite these sound principles, our highest court has held charters granted by government, far in the past, to be both binding and perpetual.[6]

Except for the element of cooperation, these institutions are devoid of democracy. Rights in them are unequal, representation is apportioned on the same basis and the benefits distributed accordingly. Those whose efforts make profits possible, have neither rights nor voice. The corporation is in every respect an aristocracy, even to its effectiveness as a means for creating and perpetuating inequality through the power of concentrated wealth.

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The period of the Revolution was a marked contrast to our present powerful corporate system. There were in existence only six business corporations of American origin.[7] Except for partnerships and corporations of foreign origin, American business life was solely on a basis of individual effort.

The people viewed corporations with suspicion. Their atti-

[4] Thomas Paine: "Rights of Man."
[5] Thomas Paine: "Rights of Man."
[6] Dartmouth College Case, 4 Wheaton (U.S.) 518.
[7] "American Business Corporations Before 1789," by Simeon E. Baldwin.

tude is well illustrated by the statement of James Wilson: "Monopoly, superstition, and ignorance have been the unnatural offspring of literary, religious, and commercial corporations. This is not mentioned with a view to insinuate, that such establishments ought to be prevented or destroyed: I mean only to intimate, that they should be erected with caution, and inspected with care."[8]

Four states, in ratifying the Constitution recommended it should be amended by a provision that Congress should erect no company "with exclusive advantages of commerce." New York went even further and asked that all grants of monopolies be prohibited.[9] North Carolina, in 1795, became the first state to permit business corporations. The privilege was confined to canal companies, with a further provision that when the shareholders had received back their capital with interest, the canal should become public property.

By 1800, the number of corporations had grown to over three hundred. These were mainly for the purpose of erecting turnpikes, bridges and canals. With the shifting trend of the country, from agriculture to industry, the growth of the corporation was rapid. The Civil War marked the time when the corporate system overtook individual capitalism. About half of our industrial production was then the result of corporate activity. Although economists failed to see the importance of this change, its possibilities were foreseen with dismay by Abraham Lincoln. He wrote, "I see in the near future a crisis approaching that unnerves me and causes me to tremble for the safety of my country . . . corporations have been enthroned and an era of corruption of high places will follow and the money power of the country will endeavor to prolong its reign by working upon the prejudices of the people until all the wealth is aggregated in a few hands and the republic is

[8] James Wilson: "Lecture on Corporations."
[9] Journals of Continental Congress, Vol. 13.

destroyed. I feel, at this moment, more anxiety for the safety of my country than ever before, even in the midst of war. God grant that my suspicions may prove groundless."[10]

By the turn of the century corporations were manufacturing over two-thirds of our industrial production.[11] By the end of the World War this figure had increased to 87%.[12] Within the ten years that followed, this growth continued until by 1930, corporations were producing over 92% of all the commodities manufactured in America, and were employing nearly 90% of America's workers.[13] The corporate system has so completely encompassed the economic activities of this country that it is probable that to-day less than 5% of our manufactured goods result from individual enterprise.[14]

Corporations have not limited their activities to industry alone. In agriculture, the products of various cooperative arrangements, including farmers' associations and corporations, are rapidly overtaking the total of products raised by individual farmers. They have extended into every field of economic activity except a few professions restricted by law to individuals, and even in these, the corporations have succeeded in taking over the most profitable functions.

We are now so entirely within the corporate system that it has become the only source of employment for the vast majority. We must not only work for the corporation, but live and go where the corporation dictates. The food we eat, the clothes we wear, the apartments and homes in which we live, the light and heat, means of communication and transportation, and the entertainment which we enjoy, are all the products of the corporation. The greatest part of the nation's income is paid to us through the corporation, and whatever

[10] Abraham Lincoln: Letter to William P. Elton, November 21, 1864.
[11] 13th Census of the United States (1910).
[12] 14th Census of the United States (1920).
[13] Census of Manufactures (1929).
[14] "The Modern Corporation and Private Property," Berle and Means.

we save can be invested only in corporate stocks and bonds. The individual must look to the corporation for his present subsistence and future security. Under such circumstances it has become possible for loyalty to the corporation to replace loyalty to country, society and humanity itself.

Those who try to function in the little world outside of this corporation system are attempting the almost impossible. They are out of step with present society and might as well live in another land. For them, success on a large scale is impossible and an existence is improbable. The big boss of the little business, the dignified professional man, and the individual farmer, designated as "entrepreneurs," because they depend upon "individual enterprise," average less than $900 a year income. This is substantially less than received by the average wage-earner and less than half that paid to the average salaried employee.[15]

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The corporate system has been said to resemble the feudal system. Like that system, the corporate system combines production, distribution and property ownership within a single structure. Unlike the feudal system, the economic domains of corporations are not bound by geographic limits. They extend over the entire United States and often throughout the world. Measured in terms of wealth and the number of people within its dominions, the largest corporation would dwarf the greatest feudal domain, and exceed the combined thirteen original colonies.

Unlike the feudal system, it has not yet imposed itself directly upon our political and social structures, although the "company town," with its "company store," "company

[15] "National Income in the United States, 1929-1935": U. S. Department of Commerce.

school," and "company social activities," is in all respects a feudal manor. Usually the political and social influences of the corporation are the indirect results of its economic power.

Not only has the control of our economic affairs centered in corporations, but the control of these corporations has in turn centered in small groups of men. This has been accomplished first by manipulation of the stock with the aid of the stock market, then by mergers, and agreements between controlled corporations, until whole industries have been concentrated into monopolies. Super-corporations have been chartered under laws selected for the purpose from forty-eight states, and various devices employed, until the control has been weaned away from the stockholders. Our industries are thus controlled by men, without responsibility, either to the people dependent upon these industries for the necessities of life, or to the shareholders, whose money they employ.

Those in control dictate the articles and by-laws by which they are to govern, designate their own compensation, often on an annual basis larger than lifetime fortunes, and establish salaries for their favored assistants, many times more than paid for equal duties and responsibility in government service. They determine who shall have work and the terms of employment. They decide whether or not the stockholders shall be given any part of the profits. They fix the price the people shall have to pay for their products, and decree whether or not the industry shall operate at all to furnish its products to society.

Through the power of enormous capital, those in control of our corporate system are able to defy government in all its branches. Substantial contributions to political parties place public officials under an obligation which they dare not avoid. Legislation is directed, partially through direct bribery, but more often by falsifying public opinion with manufactured evidence. Well-paid attorneys, and the indirect influence of stock held by the judges on the bench, gain them advantages in the

courts. Propaganda is disseminated, with money belonging to the shareholders, to conceal from the general public the true conditions. Men, high in the public esteem, are hired to discuss current events in terms of outworn economic theories, predicate their conclusions on deceptive statistics and distorted facts, and keep the public under the impression that we are still living in the bygone era of "rugged individualism" and the capitalistic system. The sole purpose is to perpetuate the rule of those who have gained control of the economic affairs of America.

When the control of an industry can be obtained through manipulation and speculation without the consent of society, it carries with it no feeling of duty to society itself. This has already been demonstrated. Those who possess these monopolies consider them "divine rights," which can be passed on to their posterity by inheritance. At one time, "Jefferson, with a smile, remarked that he had heard of a university somewhere in which the professorship of mathematics was hereditary."[16] But the situation is serious when the control of whole industries, upon which a nation must depend for the necessities of life, becomes subject to the vagaries of inheritance.

"Efficiency of management" is the argument used by those in control to prove their right to continue, but the benefits of their "efficiency" accrues only to themselves. At present, despite improved conditions, one-fifth of our working population are still unable to find a place within our economic structure, and depend directly upon government for subsistence; another two-fifths can be classed as poorly or improperly employed; a vast majority of our population are living on a level below our boasted American standard; and no one, not even the possessors of these monopolies, can boast of absolute economic security.

[16] James Madison: Letter to Margaret B. Smith, September, 1830.

The question of monopolies has been a growing political issue in this country from early colonial times. The colonies rebelled because royal charters granted monopolistic rights in this country, to favored nobility. One thing Jefferson did not like about the Constitution was its failure to provide against monopolies. The early objection to corporations was because of their tendency toward monopoly.

Andrew Jackson, in vetoing a bill to extend the second United States Bank, gave as a reason, "Every monopoly and all exclusive privileges are granted at the expense of the public which ought to receive a fair equivalent."[17]

The trend toward monopolies continued despite opposition. In 1912, Theodore Roosevelt expressed the opinion, "We believe that the business world must change from a competitive to a cooperate basis."[18] But the suggestion was unnecessary, the cooperative tendencies were already stifling competition, and creating monopolies. Even the attack by the "big stick" was unable to accomplish the task of "trust busting." Anti-trust laws only caused monopoly to alter its legal form to holding companies, trade associations and similar devices.

Woodrow Wilson recognized, "The development of business upon a great scale, upon a great scale of cooperation is inevitable and, let me add, is desirable."[19] He recognized that this apparently vicious growth was only part of an evolution, which had only to be completed to effect its own solution. He hinted at this solution, saying, "When the American people have thus joined together in the great enterprise of their common life they will wonder how it ever happened that they permitted great special interests to grow up."[20]

For nearly a century political parties have made promises to solve the problem of monopoly, but the promises were

[17] Andrew Jackson: Message Vetoing the Bank of the U. S., July 10, 1832.
[18] Theodore Roosevelt: Address, "A Charter of Democracy," 1912.
[19] Woodrow Wilson: Address, September 26, 1912.
[20] Woodrow Wilson: Address, October 21, 1912.

empty or the efforts were without avail. At present the bulk of our great industrial capacity is owned by less than two hundred corporations, and controlled by a still smaller number of men.

How long the present economic dictators can continue their control depends on themselves, and on society. Competition, which was the equalizing force under the capitalist system, has lost most of its effectiveness under the corporate system. Those in control must voluntarily distribute, by wages and dividends, sufficient of their profits to enable the masses to purchase their products. Failure means the collapse of the structure and their dictatorship.

Meanwhile government, in an effort to balance the unequal system, is forced further into economic affairs. Society is compelled to remedy conditions created by the mistakes of those in control, provide for those for whom they have failed to provide, and to do so burden itself with debts. The struggle is rapidly becoming one between these monopolies and government to see which shall survive. An authority on American economic trends has written that it is now a question whether "these great monopolies" will "overshadow our present government . . . so that we shall all owe allegiance to an industry," or whether "the present tendency to the extension of governmental activities shall continue until all industries are owned and operated by the nation."[21]

The economic struggle, as in the case of all struggles of society, is between the forces of equality and inequality. Both sides are appealing to American principles; all the while the powerful natural forces of cooperation and equality appear to be carrying America nearer and nearer to the prediction that, "The movement toward the conduct of business by larger and larger aggregations of capital, the tendency toward monopolies, which had been so desperately and vainly resisted, was

[21] "Wealth and Income of the People of the U. S.," by W. I. King.

recognized at last, in its true significance, as a process which only needed to complete its logical evolution to open a golden future for humanity . . . the evolution was completed by the final consolidation of the entire capital of the nation. . . . In a word, the people of the United States concluded to assume the conduct of their own business just as . . . they had assumed the conduct of their own government."[22]

[22] Edward Bellamy: "Looking Backward."

## CHAPTER XXVII

# SOCIAL DEMOCRACY

*"In this state of society, the unalienable rights of nature are held sacred, and each member is entitled to an equal share of all the social rights."*

SAMUEL ADAMS.[1]

DEMOCRACY is not a form of government superimposed upon society; it is society itself acting as its own government. The government of the United States, as Samuel Adams said, is a "state of society."

Political democracy, describes the equal arrangement by which the individual members of a society combine to form their government. Economic democracy describes a society in which the individual members have equal opportunity to obtain the material needs of life. Social democracy includes both political and economic democracy, but it also includes equality in the many other benefits which may be enjoyed with the aid of society.

Some governments are political only. They do little, if anything, to assist the economic welfare of their people, and do less to add to their enjoyment of life. Most of the governments of the past were of this nature. Their quest was power, and their goal was empire. Within the last generation some of these old governments have been forced by circumstances to see

[1] Samuel Adams: Address to the Legislature of Massachusetts, January 17, 1794.

that their citizens obtained the bare necessities of life, but their efforts stopped at that point.

In every respect, America is truly a social nation. Its government is a political structure, but its aim has not been world power. The economic welfare of its citizens is an important function, but America is not content that its citizens obtain only the bare necessities. The American standard of living is considered far above the level of mere existence. As a social democracy, the philosophy of America comes from nature; its guide is the social instincts of man, its pattern is human society; its aim is not world empire, nor mere subsistence, but the happiness of its people. If at times it has lost sight of this goal, and made either power or wealth its immediate object, the error has been one of leadership, not of purpose. The boast of our forefathers was not that our nation was either powerful or rich, but that, "a foundation of human happiness, broader and deeper than any that has heretofore been laid, is now laid in the United States."[2]

We cannot pass on without correcting a persistent distortion of American principles which has left many people with the false impression that Americanism is isolated individualism, or as it is sometimes called, "rugged individualism." Jefferson frequently spoke of "self-government," "returning power to the people," and that "the people were the only safe depository for power." These phrases were not intended to refer to individuals as opposed to the people as a whole, but to the people as a whole against monarchy, tyranny and usurped authority.

"Self-government" is not government by the most powerful over the weak, but government by all for their own equal benefit. "Returning power to the people" did not mean throwing it to the dogs, to be grabbed up by the most selfish individual,

[2] James Wilson: "Introductory Lecture on the Study of Law in the United States."

but the opposite, to snatch authority from the usurper, and return it to the people, as a whole. The "safe depository" was not intended to be the safe-deposit box of the wealthiest individual, but the social fund belonging to the people equally.

This nation was called the "United States," because we were united "to promote the general welfare." "The common good" and "the common safety," were common terms with our forefathers.

Jefferson in speaking of self-government said, "Every man, and every body of man on earth, possesses the right of self-government. They receive it with their being from the hands of nature. Individuals exercise it by their single will; collections of men by that of their majority; for the law of the majority is the natural law of every society of men."[3] James Wilson spoke constantly of "a state of society," and said, "That liberty and that equality, belonging to the individuals, before the union, belong, after the union, to the society, which those individuals compose."[4] Paine defined government as "nothing more than a national association acting on the principles of society."[5] He explained the relationship of the individual to society as follows: "To understand the nature and quantity of government proper for man, it is necessary to attend to his character. As Nature created him for social life, she fitted him for the station she intended. In all cases she made his natural wants greater than his individual powers. No one man is capable, without the aid of society, of supplying his own wants; and those wants acting upon every individual, impel the whole of them into society, as naturally as gravitation acts to a center."[6]

The goal of America is indeed the happiness of the indi-

[3] Thomas Jefferson: Opinion given to Pres. George Washington, January 15, 1790.
[4] James Wilson: "Of Man as a Member of Society."
[5] Thomas Paine: "Rights of Man."
[6] Thomas Paine: "Rights of Man."

vidual, but it was not intended that he be left to seek it without the aid of government, or worse by struggling against his fellowmen for its possession. We proposed it be attained with the aid of all society, cooperating through its representative government. In this manner the individual can gain a degree of happiness which he is totally unable to obtain for himself.

The benefits of a social democracy are many; its duties can be considered under two great subdivisions: first to protect the individuals' natural rights, and secondly to provide him with an equal share of the many benefits which may be derived through society.

The fundamental principle of social democracy is the basic principle of all forms of democracy, equality. In civilization, man is so largely the product of society, that equality in sharing its benefits is absolute justice. "No man can of right become possessed of a greater share."[7]

We are all debtors to society for the improvements made upon the earth for man's convenience and happiness. The social institutions erected for the protection of man, for his health and education, the accumulation of knowledge and culture, the care it gave our ancestors so that we might be brought into existence, place us all under obligation to society. If one possesses ability and talents more than the others, it may be that he or his ancestors obtained greater advantages from society. This places him under a greater obligation to society, which he can repay only by greater accomplishments for the good of society. "There is a debt of service due from every man to his country, proportioned to the bounties which nature and fortune have measured to him."[8] Every man in giving

[7] Samuel Adams: Address to the Legislature of Massachusetts, January 17, 1794.
[8] Thomas Jefferson: Letter to Edward Rutledge, December 27, 1796.

his best efforts is only meeting this obligation. Therefore, greater achievements do not necessarily merit greater rewards, they may be merely the repayment of a greater debt to society. The one who does not exert his best efforts is shirking his obligation to society. He may deserve a smaller share from society, but any benefits which are withheld do not become the property of others; they belong to society as indemnity for its loss.

The aim of a social democracy is attained by raising the social standard of all its members. This does not mean all will be elevated to the false scaffolding raised by sham distinctions and snobbery. Real Americans do not envy the thin veneer and affected superiority of those who are to be pitied because they live in a shallow world, without the joy of effort or the thrill of genuine accomplishment. The aim of social equality is to raise the physical, mental and moral level of all, so that, as nearly as the diversity of humanity will permit, equal rights will be balanced by equal capabilities, and all may be equally able to pursue the goal of happiness.

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Before society can undertake its duties, it is necessary that the jurisdiction of the individual and the jurisdiction of society, be clearly defined. The individual has retained certain of his natural rights, over which society cannot exercise control, but at the same time is obliged to protect. Our nation has been careful not to infringe upon this jurisdiction of the individual. Liberty-loving Americans have seen to that. The violations of individual rights, inherited from the past, have in many instances been removed. The trend in America has been mainly toward greater individual liberty. This has been the result of the application of our philosophy.

The right to one's own thoughts and opinions, and freedom

of expressing them is sacred to the individual. The exercise of this right is not restricted to the political field, but covers the vast territory encompassed by the human mind. Among the favorite avenues traveled by the thoughts of man are those of his creation, his relationship to his fellowmen, and the possibility of existence beyond this life. Philosophy and religion afford relief from the common things of life and make the little human feel he is participating in the divine workings of the universe. The protection of this source of courage and hope is a duty, which society must perform, but may never transgress.

Many of the Colonies began as havens of religious freedom, but the colonists were often as intolerant as the persecutors from whom they fled. The spread of their philosophy of natural rights finally broke through their own thick shells. Our Revolution began an era of religious as well as political freedom.

In these days, when dictatorships, for purposes of their own, are denying the individual this sacred right, this principle of Americanism takes on a renewed value. The right of the individual, and the corresponding limitation on government, was well stated by Jefferson as follows: "Religion is a matter which lies solely between man and his God, that he owes account to none other for his faith or his worship, that the legislative powers of government reach actions only, and not opinions."[9]

In this statement Jefferson carefully distinguished between "faith and worship" on the one hand, and "actions" on the other. Religious practices, as distinguished from religious faith, may be so far extended as to infringe on similar rights of others, and justify the intervention of society. But practices and beliefs are often so closely intertwined that the prohibition

[9] Thomas Jefferson: Address to Committee of Danbury Baptist Association, January 1, 1802.

of one may constitute a restriction on the other. In doubtful cases, harmless practices should be permitted in favor of the principle of freedom. As a nation we have been tolerant of all forms of worship, and have welcomed every religious faith. Our experience has proven the wisdom of the observation, that "Difference of opinion is advantageous in religion."[10]

Though the protection of the retained rights of the individual is the first duty of society, by far its greatest task is to exercise those rights, which the individual has entrusted to it, so as to produce ever increasing social benefits, and then to preserve equality in their distribution. This nation, for fear of treading upon the rights of individuals, has been hesitant in undertaking new activities, but it has been diligent in allotting equally the benefits it did create. It has prevented marks of social superiority and stigmas of inferiority from dividing its people.

In Europe, distinctions in society were created and maintained by the use of titles. These simple devices were bestowed to secure for their holders recognition of their "superiority" by all other members of society. Up to the time of our Revolution, this custom had failed to take root. "In America no other distinction between man and man had ever been known, but that of persons in office, exercising powers by authority of the laws, and private individuals."[11]

With the successful outcome of the war, an attempt was made to create hereditary titles for certain officers. This provoked immediate resentment. Samuel Adams wrote: "It appears wonderful that they could imagine a People who had freely spent their Blood & Treasure in Support of their equal

[10] Thomas Jefferson: "Notes on Virginia."
[11] Thomas Jefferson: Answers to Questions by Monsieur de Meusnier.

Rights & Liberties, could so soon be reconciled to the odious hereditary Distinction of Families. This Country must be humiliated & debased to a great Degree, before they will patiently bear to see Individuals stalking with their assumed honorary Badges, & proudly boasting 'There are the Distinctions of our Blood.' "[12] Public sentiment forced these "title-seekers" to beat a hasty retreat.

A title, however, as Paine observed, is only a nickname "and every nickname is a title. The thing is perfectly harmless in itself."[13] There are more substantial causes, which, in time, create artificial distinctions in society. Constant inequality in the distribution of the necessities of life, accompanied by inequality of social advantages, grow into inequalities of physical and mental capabilities. These artificially cultivated inequalities are not inherent in the blood, as they are falsely claimed to be, but are the result of unequal benefits from society. By using these advantages to seize the reins of government, and enacting laws to perpetuate them through inheritance, society, as a whole, is disrupted into castes and classes.

Sufficient inequalities were retained in our laws to create classes, had it not been for our philosophy and the unusual opportunities afforded by our great expanse of territory. It was not until our last frontier had disappeared, that any danger of classes arose. At that time agriculture, had become secondary to our industrial expansion which provided new opportunities through the development of our resources. Many opportunities still remain open, but the vast aggregation of capital under the control of our powerful corporate structure is able to stifle any competition from individual enterprise. This situation has been completed within the present generation. It has not existed long enough to bring about fixed classes, inherited from generation to generation, into

[12] Samuel Adams: Letter to Elbridge Gerry, April 19, 1784.
[13] Thomas Paine: "Rights of Man."

which men are born and can not escape, either by chance or ability.

For several generations political appeals have been made to the "class consciousness" of those in the lower economic brackets of our social order. These have failed to gain any substantial adherents to their cause because of the non-existence of fixed classes in this country. Economic advancement has always been a possibility in America even though it is now a decreasing probability. Without fixed classes extending over a series of generations, there has been little likelihood of any American becoming "conscious" of his "inferior status," and still less of his admitting it. The fact that classes are contra to our national traditions and our entire background, as well as to the fact that many are Americans today, because they, or their immediate ancestors fled from Continental Europe to avoid the classes that have existed there for centuries, has made Americans poor prospects for an appeal on the basis of "class consciousness."

Equally mistaken is the charge made by politicians of the old school that those who advocate better economic conditions are "stirring up class strife." Class distinctions never come from the bottom and go up, but begin at the top and are forced down. They result from an attempt to assert a false superiority. The stigma of lower classes settles upon the residue of society after the upper crust has made their "superiority" an inheritance. The present tendency of those with wealth to "gang-up" to prevent necessary social reforms constitutes the first real danger of classes in America.

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There is always a tendency in society toward combination. Groups can form because of race, religion, nationality, national ancestry, geographic location, economic status either

rich or poor, occupations whether labor or profession, and almost any other interest, even hobbies and amusements. These are natural incentives toward combination, but the activities of the groups should be limited to the purposes which impel their creation. Unfortunately this has not been the history of the vast majority of these combinations. America has witnessed numerous instances where organizations, the nature of which should have limited the scope of their activities, insist that they receive political recognition out of keeping with their purpose and out of proportion to their numbers. This does not make for better government, but for bitter partisanship. Membership in such social groupings should never become the test for the election or appointment of public officials. Its effect on all society can only be the creation of inequalities, for as Paine rightly said, "Inequality of rights is created by a combination in one part of the community to exclude another part from its rights."[14] Civilization is proceeding toward greater unity, but abuse of organization can only result in diverting America from its purpose and disrupting human society.

[14] Thomas Paine: "First Principles of Government."

## CHAPTER XXVIII

# OUR PRESENT SOCIAL ORDER

*"We have but one Order in America, and that of the highest degree, the Order of Sovereignty, and of this Order every citizen is a member of his own personal right."*

THOMAS PAINE.[1]

HAPPINESS, which is the profit gained from life, is acquired by man, first, from within himself, and, secondly, from his membership in society. The individual and society are dependent on each other. The labors of the individual enrich society, while the benefits from society enhance the qualities of the individual. The benefits we receive are our social right, and the work we do is our social duty.

At one time all who comprised society were classified according to artificial titles which placed each in a definite rank of society. Their position in the social order entitled each to more or less of the social benefits. This perverted arrangement also burdened each with duties to society in the reverse order. The most fortunate man bore the highest title, received the most benefits, but was under no obligation to society, while those in the lower classes received little or no benefits from society and were compelled through circumstances to devote their entire lives to the labors of others.

Our American ideal is for everyone to stand upon the same level, receive equal benefits and perform equal duties. The

[1] Thomas Paine: "Constitutional Reform."

height of the plane upon which Americans stand depends upon the benefits each derives from his membership in our society. The primary purpose of society is to give security to its members. Hence the American standard of living can be measured by the element of contentment and happiness, called our social security.

Man originally sought the shelter of society as security from other beasts and the fury of the elements. Today he dominates all other animals and has harnessed the elements to his use. Still he has not gained security. The source of his present insecurity is his fellowmen. He has combined with them to form society, but within the shelter of society there is a conflict raging which creates new insecurity. All society is rendered insecure by the unwillingness of some of its members to cooperate upon the basis of equality. Despite our American beliefs, some still insist they belong to a higher social order, which entitles them to superior rights and relieves them from all social duties. But the greater share of benefits they obtain does not give them security, for the resentment of those who are deprived may be turned upon them at any time.

Until society undertakes to provide equal security, the few who succeed in obtaining a greater share are not to be blamed for their efforts. They are only endeavoring to do for themselves and their posterity, what society has failed to do for all. It is natural to desire the finer things of life, and to avoid the misery and discomforts of poverty. Natural affection causes all to want their posterity to inherit their good fortunes and avoid their misfortunes. It is also natural for those who fail to obtain these blessings to feel the bitter emotions which naturally grow from the pangs of unsatisfied desires. The conflict within society is certain to continue until our social institutions are arranged to give everyone the equal security for which society was originally created.

There is considerable difference of opinion as to which functions should be performed by the individual and which by society. The realm of the individual should comprise all those activities which he can do for himself better than society can do for him. The sphere of society should extend to those activities which society can do better for the individual than he can do for himself. Such an arrangement parallels the division of individual and social rights under our American principles.

The things of nature are not created in a state of perfection; they attained perfection only after long and gradual evolution. Human society has passed through the successive stages of individual, family, tribe, and nation; it has still to achieve the perfect state of the brotherhood of man. Institutions over which society acquired jurisdiction passed through a similar gradual evolution. The individual does not suddenly decide to transfer his responsibilities to society. First he does the best he can for himself; then he tries with the aid of his family; when that fails, he seeks the help of his neigbors; and only finally, does he learn that the task can be best accomplished with the aid of all society. This evolution of our social activities through the successive stages of the individual, the family, the private institution, and finally the public institution is well illustrated by our own system of public education.

Not only are there activities which the individual cannot do for himself, but there are times in everyone's life when he is incapable, and requires the help of society. In childhood, illness, and old age, the helplessness of the individual makes him dependent on others. There was a time when everything necessary for the child, the incapacitated, and the aged was attempted by the family. Gradually society developed facilities for teaching the child, caring for the sick, and enabling the successful individual to provide for his old age through saving and investment in so-called "securities." But these facilities were private institutions, operated for private profit, and their

benefits were obtainable only by a few of the more fortunate members of society. This was the "neighbor" stage of our social development. Some still consider we have not progressed beyond that stage, and claim "our system . . . places the prime responsibility upon the individual for the welfare of his neighbor."[2] During this stage of evolution if a member of society was unable to purchase security, he had either to perish, or be given assistance as a matter of charity. In this way, the institution of charity has pointed the way toward a more intelligent solution. Within recent years we have recognized that security is the primary purpose of society, and that all its members are entitled to this benefit from society, as a matter of right. It is one of our American principles that security "is not charity but a right, not bounty but justice."[3] We are still hesitant in extending these benefits equally and to all, but we are approaching this goal of social democracy by a process of evolution which accelerates with our intelligence.

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Our government has undertaken a few of the tasks necessary to bring about the ideal state of complete social security. Those duties which it has undertaken have been well performed. One of the finest social undertakings has been that of educating our youth.

To a great degree the quality of man depends upon his mental capacity. "Men are physically the same in all countries; it is education that makes them different."[4] It is of interest to society as a whole that all receive the largest degree of education, which the talents and intelligence for the community can afford. For society to deny learning to any of its members

[2] Herbert Hoover: "A Challenge to Liberty."
[3] Thomas Paine: Essay on "Agrarian Justice."
[4] Thomas Paine: Letter to Camille Jordan, 1797.

because of his financial inability, is indeed short-sighted economy, which ultimately detracts from the happiness of the community as a whole.

A great part of Jefferson's active life was devoted to the extension of education. It was his opinion that the interests of all society were inseparably interwoven with education. He wrote into the laws of his native state of Virginia: "It is generally true that people will be happiest whose laws are best, and are best administered, and the laws will be wisely formed, and honestly administered, in proportion as those who form and administer them are wise and honest; whence it becomes expedient for promoting the publick happiness that those persons, whom nature hath endowed with genius and virtue, should be rendered by liberal education worthy to receive, and able to guard the sacred deposit of the rights and liberties of their fellow citizens, and that they should be called to that charge without regard to wealth, birth or other accidental condition or circumstance . . . it is better that such should be sought for and educated at the common expense of all, than that the happiness of all should be confined to the weak or wicked."[5] It was Jefferson's "earliest" and "latest" "public concern" to bring about "a system of general education which shall reach every description of our citizens from the highest to the poorest."[6]

The history of America parallels the history of education. We have progressed a long way from the little red schoolhouse and the chained bible, to our great educational systems and our public libraries. The doors to knowledge have been opened to all, but they have not been opened all the way. The taint of aristocracy and the barrier of wealth stand in the way of a complete education for many. Our system of public edu-

[5] Thomas Jefferson: Bill for Diffusion of Knowledge, (Va.).
[6] Thomas Jefferson: Letter to William H. Cabell, 1818.

cation stops short of its goal at the end of a high school education.

The full effects of the incompleteness of our system are beginning to be felt. The last generation has witnessed a most rapid development of our educational system, so far as it was under public control. In the last forty-five years our population has doubled, but attendance in high schools has increased over twenty times. During the same period college education has increased less than five times. This disproportionate dropping off of attendance with college is largely for financial reasons. Three out of every four high school graduates are prevented from continuing their education by lack of money, not lack of brains. The loss is not alone to the individual. Society is deprived of many highly educated men whose services would advance our arts and sciences, and whose research and discoveries would add to the health and comfort of the community, and to the efficiency of government.

This situation presents a problem, the solution of which calls for the extension of our public educational system to free colleges, technical schools and universities. This single social step, requiring the building of three times our present facilities, would temporarily utilize our total unemployed, and permanently engage a substantial part of our society as teachers and students in these institutions.

Public education is just beginning to have its effect on society and government. While the masses were kept in ignorance, all kinds of inequalities could exist with little or no revolt. Inferiority in mental capability and knowledge was always a sufficient reason, though a specious one, to justify other inferiorities. Education has made for equality of capabilities. The masses are now prepared to perform their equal share of social duties; hence they demand their American endowment of equal rights. The effect of education has been as Jefferson predicted, "Enlighten the people generally, and tyranny and

oppressions of body and mind will vanish like evil spirits at the dawn of day."[7]

The performance of our social duties begins when our childhood ends. We are then confronted by the task of selecting the manner in which we are to serve society in repayment of the benefits we received during childhood, and on account of the care and security we expect to receive in illness and old age. The assignment of duties in society has always been unequal and unjust. Some are compelled to labor long and arduously; others do little. Some feel their "superiority" places them above any duty to society; while others, willing to serve, can find no place in our complex economic scheme.

The abundance of our country has always indicated the possibility of the comfort, and even luxury, which could result from an equal division of our social duties. This picture is not the visionary Utopia of modern dreamers. It was mentioned by our own practical-minded Benjamin Franklin, over a century and a half ago. Franklin wrote: "If every man and woman would work for four hours each day on something useful, that labour would produce sufficient to procure all the necessaries and comforts of life, want and misery would be banished out of the world, and the rest of the twenty-four hours might be leisure and pleasure."[8] Though the needs and desires of the present are many times greater than in the days of Franklin, the capacity for producing these has multiplied a thousand times. This ideal division of our social duties is more practical now than ever before.

During colonial times it was a simple matter for everyone to find employment. Opportunities were plentiful, though there

[7] Thomas Jefferson: Letter to M. DuPont Nemours, April 24, 1816.
[8] Benjamin Franklin: Letter to Benjamin Vaughn (1784).

was not a great variety of employment. At present there is an unlimited variety of work to be done, but the task of finding one's place in the complex scheme is beyond solution by the individual. He may know his capabilities and the work he wishes to perform, but he does not know all the devious means by which such employment is obtained. If he should chance on employment, an adverse change in economic conditions, or in the industry, or firm for which he works, will throw him out of work. It has been suggested that society should intervene to help the individual in this crisis, but those who benefit by the helplessness of the individual label such assistance, "interference" and "regimentation." At present, the dictators in control of our economic system are able to regiment all members of society, line them up for jobs, and throw them in and out of employment at their command, or by their errors.

The right of the individual to choose the manner in which he is to serve society is necessary to his pursuit of happiness. But this ideal right is still unobtainable. Financial, geographic, educational, and social limitations enable those in control to regiment the great majority into tasks for which they are neither fitted, nor interested. Society is the loser by this arrangement. Every man is at his best when engaged in the work of his choice. But the greatest loss to society is when multitudes of its members are engaged in no work at all.

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At every stage of life, irrespective of the strength, capabilities and wealth, the individual is always subject to the impending possibility that illness may suddenly strike him down and render him dependent on others. Before medical science discovered the principles of infection and contagion, it was natural to consider sickness as the misfortune of a particular individual. Today, we know that ill health is a social hazard

which may breed in the filth of poverty but does not recognize the boundary lines of the rich man's property.

Many insist that ill health is still a problem of the individual. We have developed great facilities for the care of the sick, but they are available only to those who can afford them. Rooms in private hospitals are empty, while half of America's families are unable to purchase the medical attention they need. The public facilities are far too few to meet the demands.

The evolution of our medical institutions from private to public is long overdue. The principal impediments are those political and money-minded members of the medical profession, who desire to make money by their business ability rather than by their medical skill. But the trend toward public control, together with appropriation of public money to support private hospitals, public health departments, laws compelling compensation to injured workmen, and the establishment of government health insurance, all point the way toward the ultimate recognition by society of this duty. The equal distribution of social benefits in matters of health should be considered a foremost American principle.

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Nearly a hundred and fifty years before the enactment of any social security legislation, Thomas Paine wrote, "At sixty, man's labor ought to be over, at least from direct necessity. It is painful to see old age working itself to death, in what are called civilized countries, for its daily bread."[9]

Security in old age is an accurate gage of the benefits of any society to its members. The failure of American society to meet this test demonstrates how completely we have forgotten our basic philosophy. At present, despite our ability to produce for

[9] Thomas Paine: "Rights of Man."

the needs of all, security in old age is a gamble. For a man to enjoy the sunset of his life in comfort, is no longer a matter of diligence and thrift, but of successful speculation. He must hazard his savings in a maze of stocks and bonds with the skill of a financier, and win. Between complex financial structures, fluctuating monetary standards, and rapid industrial advance, only a financial genius is equipped to make a prudent investment. The very nature of speculation renders it unfit as a basis for security.

We have just begun to abandon the mistaken idea that security in a complex society can be gained by individual effort alone. We have passed on to the next stage where we look upon any help given to the individual as a species of charity. The great mass of Americans do not want charity, either private, or public in the guise of relief. Charity is a relic of the past, when the nobles and the aristocrates bestowed gratuities to ameliorate conditions caused by their own tyrannies. Charity is an advantage to the advocates of inequality, for it enables them to dictate the distribution of the social benefits according to their whims. At present society encourages this privilege by exempting charities from its tax laws. In some cases charity still serves a useful purpose, but on a large scale, it is often a means of evading taxes, maintaining control and withholding revenue from our government, which is the greatest of all charities.

The attempts of our government in recent years to establish various forms of social security is a progressive step. The particular legislation has many defects. The benefits are distributed unequally and along economic class lines, which contradict American principles. Only half our citizens benefit by this law either directly, or indirectly. By curious perverseness, those who are most poorly paid in our present economic scheme, namely, the little business man, the professional man, and the farmer, are eliminated entirely from its benefits. The method

of financing the benefits is as crude as the basis of distribution; the burden falls upon those who can least afford it.

The earth in its natural state was capable of supporting all its inhabitants throughout their lives. The intervention of civilization should have increased the security of all. Society, as trustee of the common rights of the individual, is the rightful owner of all of nature, its substance and its natural forces, and also of the vast accumulation of knowledge and improvement remaining from the efforts of past society. This great heritage, which according to American principles, is the equal endowment of all, is a sufficient social fund, if used by society for the benefit of all its members equally, to provide security against all the contingencies of life.

That which is needed is not a new social order, but perfection of the social order that lived in the minds of our forefathers, the fulfillment of their ideal of social democracy. We need only to complete the evolution of our institutions to achieve this goal.

## CHAPTER XXIX

# CONCLUSION

*"The light which has been shed on the mind of man through the civilized world, has given it a new direction, from which no human power can divert it."*

THOMAS JEFFERSON.[1]

THE achievements of the Declaration of Independence, and its application to the problems of our nation, have been hastily sketched. We have reviewed our past in the light of our American philosophy; a viewpoint too often neglected. Our survey shows that progress has been gained by adhering to our purpose, while we have lost ground by deviating from our principles. We have not accomplished Democracy, but we have made substantial gains toward this goal. We have been brought from the beginning of man to the present hastily, as soldiers prepared for the battlefield in time of war, that we might be better equipped to face the problems of the present.

The evolution of man is not yet complete. It took millions of years to advance man from his baser nature to his present status. It required thousands of years of law making before the basic principle of equal rights was written into human law. Our philosophy has given new force and direction to human institutions. It has accelerated their development, but the evolution is incomplete. "The works of human invention are progressive; and frequently are not completed, till after a slow and lengthened series of gradual improvements, remotely dis-

[1] Thomas Jefferson: Letter to Marquis de La Fayette, December 26, 1820.

tant from one another both in place and in time. To the theory and practice of government this observation is applicable with peculiar justness and peculiar force."[2]

The first bold step toward political democracy was made by our Revolution. The people took over the institution of government, and directed its force toward accomplishing a new purpose. Instead of protecting unequal rights, its powers were directed toward securing equal rights. Our forefathers made a substantial beginning, and within our brief life as a nation, we have succeeded in removing all political inequalities in theory, though not in practice. Our nation has yet to become welded into a "perfect Union"; and now as our government reaches out to perform necessary functions, this imperfection is an impediment to its usefulness. The ultimate of political democracy has not yet been achieved.

In the field of economic democracy the advance has been less than toward political democracy. People drawn from every corner of the world, inspired by our philosophy, have populated our vast territory, developed its resources, added to its fund of knowledge and transformed it from a wilderness to the most productive portion of the earth. The abundance of our harvest, both in agriculture and in industry, is more than sufficient for the needs of all our people.

Inequality in the distribution of wealth deprives many Americans of the benefits of our productiveness. Both the method and system of distribution have been largely unaf-

[2] James Wilson: Address, December 31, 1789.

fected by our philosophy. We have developed an intricate and complete structure for distribution, capable of serving the people, but it is still in the control of those who are intent upon using it for their own profit. Unequal distribution has heaped up tremendous inequalities in wealth, which have influenced our laws, and compelled the retention of old feudal principles violently opposed to our nation's purpose.

Within the last few generations, accumulated wealth has seized upon our powerful machinery of production to develop a new economic system. Corporations, artificial creatures existing only as fictions in the law, have multiplied into the most extensive economic structure any nation has ever known. All our economic affairs are now transacted under its domination. This economic Frankenstein now challenges our very government to a struggle for supremacy.

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The soil of America has never known the social distinctions of the old world. These weeds were plowed under by our Revolution before they had taken root. Our unlimited resources and apparently endless frontiers have enabled us to maintain the classless society with which we began. But the termination of our frontiers, and the complete domination of our economic system by the corporate structure, have now limited opportunity. It is becoming increasingly difficult for us to retain our classless tradition. Should our present economic domination continue, and become the inheritance of future generations, America will witness the tyrannies, injustices, and conflicts of fixed castes and classes. "But a people, having taken its rise in civilization and democracy, which should gradually establish an inequality of conditions until it arrived at inviolable privileges and exclusive castes, would be a novelty

in the world; and nothing intimates that America is likely to furnish so singular an example."[3]

The survey of our institutions and their development, during our life as a nation, discloses not only failure to eliminate all inequalities, but the addition of new ones which have been permitted to expand into powerful institutions.

Our excursions from the highways of equality into the byways of inequality, have not been total losses to society. The forces of progress have a way of turning everything into gains toward equality. The feudal right to accumulate property enabled society to develop the capital with which to create new wealth. The capitalistic system, allowing owners of capital to infringe on the liberty of their fellow men and exploit their labors, has stimulated a desire to share the fruits of ownership. The corporate system with its cooperation in ownership has made possible the erection of efficient and costly machinery capable of producing wealth beyond the needs of all. Charters, franchises, contracts, stocks, bonds and other securities, violating every principle of equality, have created reserve funds to secure a few. Society need only adopt the same principles in order to establish complete social security.

We may excuse these inequalities of the past without retaining them. They were begun for the selfish advantage of individuals at a time when our society was not prepared to act in the interest of all. They must now be turned to social advantage to prevent them from becoming the basis of a permanent social order. Americans would never submit to perpetual superiorities and inferiorities without revolt. Education has enlightened the masses to the possibilities of life. They understand the meaning of "the equal right to life," which our Declaration prom-

[3] De Tocqueville: "Democracy in America."

ises. "All eyes are opened, or opening, to the rights of man. The general spread of the light of science has already laid open to every view the palpable truth, that the mass of mankind has not been born with saddles on their backs, nor a favored few booted and spurred, ready to ride them legitimately, by the grace of God."[4]

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At present America stands balanced in mid-stream, one foot poised on the precarious base of its inequalities, the other partially resting on the firm ground of equality. Some would maintain America in this awkward position by carefully balancing its inequalities through continued government regulation. Others would sound retreat, throw off our principles, retain only the American label, and clamber back to the slippery banks of inequality. The more courageous would heed the urge of American principles and continue our progress toward greater equality. Each faction insists its way is the "American Way."

Those who gain the greatest advantages from existing inequalities clamor loudest for the "American Way"; they spend fortunes to resurrect the remaining relics of our Revolution; they revive and react, in story and pageantry, the vivid incidents that produced our great philosophy; they openly pride themselves on their American ancestry; they pay apparent homage to the shrines of liberty; they demand a return to American principles. Perhaps they are not aware of the nature of their request, but they are earnest in their pleading. The divine principle of equality has miraculous powers which compel even its opponents to plead its cause. The way America

[4] Thomas Jefferson: probably his last letter, addressed to Roger C. Weightman, June 24, 1826.

began was with the Declaration of Independence; the principles pronounced in that instrument are still the "American Way." "The spirit of 1776 is not dead. It has only been slumbering."[5]

[5] Thomas Jefferson: Letter to Thomas Lomax, March 12, 1799.

# BOOK IV

# THE FUTURE OF DEMOCRACY

## CHAPTER XXX

# OUR PRESENT PROBLEMS

*"I see in the near future a crisis approaching that unnerves me and causes me to tremble for the safety of my country. . . ."*

ABRAHAM LINCOLN.[1]

THE present is an introduction to the future. A present problem left unsolved will ripen into a future crisis.

With nearly all the world ablaze, it requires little courage to sit in the only safe place and boast what we would do if the blaze were in our homes. "To bear other people's afflictions, everyone has courage and enough to spare."[2] All the while, we may be ignoring conditions smoldering beneath us which a faint breeze might fan into a flame. Afflictions in other lands have been known to spread, even to America. The time to look for fire is while we must still use a light. The time to solve a problem is before it becomes a crisis.

Only a few of our problems are of our own making; some are made for us in other lands, but mostly they are inherited from the past. Often the conditions creating our problems have existed more viciously than at present, but then they could not be eliminated. Every hardship is not a problem; some must be endured. When a hardship can be solved, then it becomes a problem. We cannot avoid our problems by altering our

[1] Abraham Lincoln: Supra. Chapter XXVI. Note 10.
[2] Benjamin Franklin: "Poor Richard's Almanac."

course, for they surround us. We must either solve them now, or leave them as burning legacies to posterity.

There are many small problems confronting us, most of which can be traced to a greater problem. At the time of our Revolution, our problems were mainly political. Since then we have attained a large degree of both political and social equality, only to find them tainted by economic inequalities. To-day most of our remaining political and social problems depend for their solution upon our economic problems.

Economic hardships have always existed, but it is only recently that they have become possible of solution. In most nations, the economic hardships cannot be avoided until other problems are solved. In some nations the people are not sufficiently advanced in the arts, sciences, and industries. In others, where the people are advanced, their nation controls a territory so small that an economic solution is impossible without the cooperation of other nations in similar positions. Some nations control vast empires, but their political structure is built upon inequality, which renders a just economic solution impossible.

In America our economic hardships represent a present problem. Our Revolution in 1776 paved the way for the solution of our economic problems. Rapid progress now makes it possible. We control a vast and rich territory; our industries are advanced beyond all others; we are able to produce more than sufficient for the needs of all. We have a national philosophy which only awaits application. If there is any place or nation in the world, where economic problems are capable of complete solution, it is in the United States.

Unlike most nations, we have no problems of production due to lack of resources or capacity to produce. Commodities of all kinds can be made in our own country, in an abundance which would overwhelm all hardships. They often fail to reach those who need them, but that is a problem of distribution.

The uncertainty of our system of production is its only real problem. It seldom operates near capacity, is frequently disarranged by labor trouble and depressions, and at times it comes to a dead stop. This uncertainty is caused by those in control. The old feudal laws of property, which we still retain, leave the ownership of our productive machinery in the possession of a small part of our people. Control is exercised, as a right of ownership, and only in the interest of the owners. The lack of efficient control is therefore a problem of ownership, not of production.

Even the inequality of distribution, and the flaws in the control, have not been able to keep many of the comforts and some of the luxuries from the average American. The ponderous weight of mass production, has partially forced mass distribution. During times of peace, the volume of production has brought constantly lower prices, and enabled the average American to enjoy comforts which the wealthy, in other times and other lands, could not afford. It is not pretended that all have enjoyed the comforts and luxuries they desired, nor that all now have even the bare necessities, but the danger of want and starvation has diminished, and poverty can be entirely eliminated.

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Our serious economic problems begin with our system of distribution. The mechanics of distribution center about the institution of money. Our monetary problems are the result of private control. Though both commodities and the capacity

for producing commodities are plentiful, those in control insist that the money, representing commodities, must be kept scarce. This trick of economic control is patterned after England's policy with our American colonies. In fact, our banking system is merely a continuation of the same principles. By keeping money as a scarce commodity, those who control money can issue their own paper currency, and exact the tribute of interest by lending their paper and the people's money entrusted to them, as credit. Though our government issues the real money, the right of currency is in private hands. Both the people and their government are forced to borrow their own money and their own currency from them. In this manner, the expansion of economic and governmental activities is accomplished only with the consent of private control, and at their private profit.

The banking structure, now concentrated in the Federal Reserve System, is apparently under government control; but the private ownership of the stock, both of the central banks and member banks, leaves the dominant control in private hands. Upon their control of the medium of exchange, all Americans and American industry must depend.

Branching out from our banking system is a complicated financial structure built upon paper indicia, in the form of stocks and bonds, representing ownership of the corporate structures. A traffic in the purchase and sale of these stocks and bonds is conducted by a private organization, the stock exchange, membership in which is not open to the general public, but is limited and controlled by its own members. Here money, credit, the ownership and liens on our productive capacity, and our very resources, are bought, sold, exchanged, and become chips in a game of chance. The heart and soul of America's economic forces thus become subject to the whims and caprice of private control and speculation.

As a result, the value of money, as against the commodi-

ties it represents, rises and falls, changing our actual wages and earnings without our consent. The value of our productive capacity, represented by stocks and bonds, varies millions, and even billions of dollars a day, during any one of its chronic spasms. Within the space of a few years it has doubled and redoubled, then crashed to the ground like the house of cards that it is. Americans are supposed to find future security by investing their savings in these fluctuating bits of paper. All values are sheer gambles. "We are now without any common measure of the value of property, and private fortunes are up or down at the will of the worst of our citizens."[3]

The American people, who must depend upon this system for their daily business, do not select those who control it. If, by chance, accident, or design, the banks fail, the stock market crashes, or the system breaks down, it is the people's money that is lost. Our system of distribution, like our system of production, is held to be the private property of those who own the stock of its institutions. They appoint their own agents and dictate the policies to be followed. Because of this, the problems of the control of distribution depend for solution on the problems of property.

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Most of our present problems can be found in the institution of private property, hidden among the pretended rights of unlimited accumulation, inheritance and usurpation of nature. The powerful arm of society depends upon this institution to assure to each man the results of his own labor. By this means, society assists the individual to exercise his natural "right to life." As with all institutions of society, private property has its uses and its abuses. The normal use of private property is to sustain life and add to its enjoyment. Private

[3] Thomas Jefferson: Letter to Albert Gallatin, October 16, 1815.

property used in this way injures no one, and is a blessing to all. It creates no problem except that of producing and distributing property so all can own sufficient private property for their needs. But the abuses of private property are many, and its tentacles clutch every phase of human society.

Most of the abuses of property come from wealth accumulated beyond the possibility of use for the needs and desires of its owner. This accumulated wealth is used to distort and disguise public opinion, control political parties, buy elections, bribe public officials, influence legislation, engender bias in the courts, pervert the forces of government for its ends, then obligate government with debts until it is unable to perform its duties to the people. Permeating the social sphere, accumulated wealth usurps all the advantages of society to itself; health is made a matter of dollars and cents; education and culture is subjected to its whims; security in old age is made a luxury, which it alone can afford; the normal pursuit of happiness is turned into a chase for the necessities of life, which it dangles out just beyond the reach of the people, until all humanity obeys its commands.

Our entire economic structure, upon which all must depend for their "right to life," is dominated by this accumulation of wealth, which controls it as its "private property." It appoints those who shall be in control, not only for the present, but for all time. It dictates what, if anything, shall be produced. To preserve the value of its old property, it selects which of the new shall be offered to the public, and in that way stifles initiative. Its chance for profit determines whether we shall produce by using the advantages of progress, or by adhering to the cheaper method of human drudgery. It names those to be employed, and the terms of that employment. Here it creates a problem which may prove too great even for its own powers.

The conflict between labor and capital is not a question of wages, in dollars and cents, but of the right to control. "This

is a world of compensation; and he who would be no slave must consent to have no slave."[4] Capital, now concentrated under the corporate system, is confronted by labor, concentrating its forces through labor unions. Both demand control; capital, by the "right" of private property, and labor, by the necessity of regular employment, secure at all times. But there is a great part of society not included in either group. All society is dependent upon this control for the necessities of life, and it cannot stand by idly while two factions fight for that which, both by right and necessity, belongs to society as a whole.

When the forces of production have created new wealth, the accumulation of old wealth dictates the distribution of the new. Abuse of the right of private property confers upon the smallest part of society the privilege of dictating how much shall be given to labor, and how much it shall retain as its profit. The vicious inequalities of wealth are the results of the exercise of this "right" of distribution. Estimates of the distribution of wealth are not accurate. However, it is certain that less than three per cent of the people own over sixty per cent of all the wealth, and are rich. The great majority of people, over sixty-five per cent, own less than five per cent of the wealth between them, and are poor.[5]

This concentration of wealth is increased by substituting natural forces for human labor, thus adding to the profits of ownership. Acting against this are the demands of organized labor. Higher wages, however, can only be a temporary palliative. Accelerated advance would soon add to the number of unemployed. Already large portions of our population are not included in our economic scheme. Increasing production, with constantly less human effort, is the natural result of progress. Spreading the work, by regulating hours of labor,

[4] Abraham Lincoln: Letter to H. L. Pierce, April 6, 1859.
[5] See: "Wealth and Income of the People of the United States," by W. I. King.

helps, but it still does not provide for those not included in the term labor. At present, any attempt at regulation by society is resisted as an infringement on the "rights of private property."

The control of accumulated wealth is not limited by the boundaries of the nation. It dictates where our wealth shall go. If it is more profitable for those in control to deprive Americans and send the products of our labor to the four corners of the world, they do as they please with "their private property." During the present generation, nearly twenty-five billions of dollars, in commodities, have been exported without equivalent in goods or money returning. This represents the excess production of many years. If during those years a foreign army had occupied our country and taken our excess production by force, instead of by chicanery, we would have considered it a blot on our national pride, and condemned those responsible as traitors.

The richest source of metal in the world has been America. American metal has been the backbone of the wars of the world. Resources and munitions, which may be turned against us in times of war, are shipped at the risk of our national peace, over the seven seas. The monetary reserves of the country are scattered with equal abandon. American capital and American capitalists seek greener pastures in the hope of greater private profits. If by chance, conditions in other countries endanger their property, American lives are exposed to equal danger to protect their stake. Their problems should not be considered our problems. "We have most abundant resources of happiness within ourselves, which we may enjoy in peace and safety, without permitting a few citizens, infected with the mania of rambling and gambling, to bring danger on the great mass engaged in innocent and safe pursuits at home."[6]

[6] Thomas Jefferson: Letter to W. H. Crawford, June 20, 1816.

In the early history of this country property was respected. It was then said, "In America those complaints against property in general, which are so frequent in Europe, are never heard, because in America there are no paupers; and as everyone has property of his own to defend, everyone recognizes the principle upon which he holds it."[7] Now, however, "it is clear that the laws of property have been so far extended as to violate natural right."[8] For a majority of Americans, the institution of private property stands as a barrier to their equal right to life. It is asking too much of human nature to expect a majority of the people to respect an institution, which by its abuses, deprives them of the fundamental endowments of the Creator.

Our laws of private property have permitted a few to amass wealth far beyond the needs and desires of themselves and their dependents. When property accumulates beyond all normal use, it becomes a source of abuse. There is a temptation to transmute property into power over the lives of others, and the destinies of nations. This perverted use of property gives rise to our greatest problems. America need not fear the spectre of poverty, but has much to fear from the power of wealth.

Economic power has been the determining factor in the history of the world with the solitary exception of America. Even here it has played an important role. As science and progress have made economic goods more abundant, the economic problem has not become less, but greater. The new economic strength has been converted into power. The result has been that in many parts of the world, those who have commanded the economic forces have gained political control with the aid of brutal dictators. The political rights exercised by the people, have prevented its introduction into America.

[7] Alexis de Tocqueville: "Democracy in America."
[8] Thomas Jefferson: Supra, Chapter XXV. Note 7.

But only a vigilant and vigorous exercise of these rights, directed against the abuse of property rights, can prevent it from happening in this country. This problem and its causes were foreseen, not only by Lincoln, but during the infancy of our nation. Recall Jefferson's warning that, "The shackles, which shall not be knocked off at the conclusion of this war, will be heavier and heavier, till our rights shall revive or expire in a convulsion";[9] also Madison's prediction that "a great majority of the people" will be without property, and will "either combine, under the influence of their common situation" or "become the tools of opulence and ambition in which case there will be equal danger";[10] and Webster's correct diagnosis that "the freest government cannot long endure when the tendency of the law is to create a rapid accumulation of property in the hands of a few."[11]

Many wise philosophers have charged to the abuses of private property much of the world's misery, and all of its poverty. Supported by our feudal laws, these abuses now threaten to destroy the institution of private property itself. Only by disclaiming the abuses, can society save the institution, and preserve its usefulness.

The institution of property depends for its existence upon society. Since society is called upon to protect private property, it has the right to decide what shall be private property, and what shall not. Our equal right to life gives to each individual the natural right to use nature to sustain his life. Society cannot deny this natural right of private property. However, society can refuse to recognize, as private property, wealth accumulated beyond one's natural needs and desires, and perverted into power.

[9] Thomas Jefferson: Supra, Chapter XVII. Note 3.
[10] James Madison: Supra, Chapter XXV. Note 6.
[11] Daniel Webster: Supra, Chapter XXV. Note 1.

Some consider our present problems are due to lack of co-operation. This is partially a correct diagnosis. However, the lack of cooperation is not in production, but in ownership, and hence in distribution. The giant corporate structure, which the natural cooperative instincts of man have created, represents the highest point of cooperation yet attained. Our productive capacity, built up through its forces, is the greatest in the world. Americans are all dependent upon this structure for the preservation of their lives. The economic structure is as important to their "right to life," as the political structure is to their "right to liberty." All are within the economic jurisdiction of this sovereign power; all are taxed through the necessity of buying its products; all, but a few, are enrolled in its service, and pledged to its allegiance.

Those who conduct the affairs of this corporate structure are not elected by all the people dependent upon it, nor even by those who, under present laws of property, are said to own it. The money and the savings of the public were used to produce its growth. As it developed, and the necessity for greater capital extended its ownership, clever frauds separated most of the control from ownership. Few who own have any representation in corporate matters, and less opportunity to exercise the franchise they are supposed to have. The greatest part of the owners, and the mass of the public, are kept in ignorance of corporate affairs. The great accumulations of wealth are the only interests actually represented. They exercise all control, and dictate the economic policies.

At present every element of democracy is missing from American economic affairs. Only a few have any representation; and that is unequal, while control is a matter of economic might, not right. Ownership in the corporate structure is based upon the principles of aristocracy, and control is exercised on the doctrines of monarchy.

Life is the first essential to man. Those who control life

can also control liberty, and the pursuit of happiness. The struggle in 1776 was for "liberty." Then the problems were political, and the question was whether those who control government would dominate society, or whether society, as a whole, would dominate its political affairs. The present struggle is for an equal "right to life." The problem confronting America is whether those who control the economic forces will dominate society, or whether society as a whole will dominate its own economic affairs.

Confronted by these serious problems, some consider our problem is to devise means for retaining all existing laws and inequalities, without change. This would require America to sacrifice its ideals. Our nation cannot go two ways at once. Nor is the problem one of balancing existing inequalities, with new inequalities. Such a course may be expedient, but is no solution. "Immediate necessity makes many things convenient, which if continued would grow into oppressions. Expedience and right are different things."[12]

Others insist the world is not advanced to the idealism of our American philosophy. They challenge the statement of Lincoln, that our principles are "applicable to all men and all times."[13] They argue the present problems require us to turn to foreign philosophies, that we must adopt a more materialistic philosophy, that our choice lies between fascism and communism. Only an examination of these philosophies can enable us to decide which philosophy, if either, offers a solution to our problems.

Whatever is the solution, it must be founded on right, not

[12] Thomas Paine: "Common Sense."
[13] Abraham Lincoln: Supra, Chapter VI. Note 6.

expedience. We must remove inequalities as speedily as possible without disrupting our lives. Our problem is not one of direction, but of the order and rapidity by which we shall proceed. The solution must be free from any repercussion of hardships of its own making. It must produce only happiness.

## CHAPTER XXXI

# FALSE PHILOSOPHIES

*"The differences of circumstance between this and the old countries of Europe, furnish differences of fact whereon to reason, . . . and will consequently produce sometimes a difference of result."*

THOMAS JEFFERSON.[1]

IN CHANGING times we must beware of those false prophets who draw analogies too closely, either with the past, or with conditions existing in other lands. It is rare that history repeats, except for a few elements of similarity. Conditions in all parts of the world are so varied that each requires its own analysis and calls for a different remedy.

Error masquerades in a great variety of costumes, while truth is usually dressed in simple garb. It would be impossible to analyse all the concoctions offered as cures for our existing ills, and as tonics for the future. Time permits only the examination of a few which have taken the form of definite doctrines, and which have so many adherents that they seriously threaten to replace our American ideals.

## REACTION

*"They, too, have their anti-philosophers, who find an interest in keeping things in*

[1] Thomas Jefferson: Letter to Jean Baptiste Say, February 1, 1804.

*their present state, and dread reformation."*

THOMAS JEFFERSON.[2]

The philosophy of reaction is the viewpoint of the man who has passed his prime, either physically or mentally. He longs to go back to the "good old days." He imagines if the world could only be made to stand still, or better to turn backward, he would be able to enjoy permanent advantage over his fellowmen. He does all in his power to thwart progress, for he fears it as death. He sees new generations coming up and envies them, for he is a thing of the past.

A favorite theory brought forward to prove that the world is going backward is that "things always go in cycles." Half the time the rim of a wheel appears to be turning backward, but we should observe that the hub is always moving forward. The most reactionary should learn from the brief history of this country that our institutions do not stand still. They evolve along definite lines of progress which defy the efforts of any part of society to alter their course. This progress is caused by the definite evolution of man himself. It is a mistake to think that generations, raised with the advantages of education, will submit to the injustices inflicted on their poorly educated parents.

The claim to conservatism, made by those who advocate no change, is false. There is no more certain way of destroying America than to insist it remain in status quo. The true conservative welcomes progress. He requires that it keep an even pace with time, neither outrunning nor lagging behind the progress of man.

Reactionaries have no political, economic or social program to offer. They want none, and consider none necessary. They

[2] Thomas Jefferson: Second Inaugural Address, March 4, 1805.

are satisfied with conditions as they are, or as they were, so what more should any one ask? The problem, to them, is to hold things that way. The thinker, who dares to offer a suggestion, is despised as a disagreeable fellow. Criticism of every progressive program is the political platform of reactionaries. They consider the name and label of their party a sufficient recommendation of its policies or lack of policies.

Left to themselves, reactionaries are harmless. But they have a hankering for public affairs, and like to strut about with an air of dignity, which attracts the admiration of youth. This pose of importance is mistaken for the genuine article by foolish young men who wish to be associated with these apparently important people. The combination is dangerous. The vital power of youth, combined with the stupidity of reaction, plus the necessary ingredient of wealth, is the exact formula for fascism.

## FASCISM

*"Fascism is the flat contradiction of the Declaration of Independence."*

HERBERT HOOVER.[3]

Fascism is the doctrine of force. It is not a philosophy, for it neither looks to knowledge nor follows reason. It seeks to dominate all human society by sheer physical violence. It is the viewpoint of the brute, all body and little brain. It does not necessarily indicate strength. More often it is weakness, coupled with fear, trying to frighten off imaginary enemies with a display of power. For this purpose the uniform, with all the

[3] Herbert Hoover: "The Challenge to Liberty."

military habiliments, is a necessary disguise to cover the emaciated body and conceal the weakness beneath.

The economic program of fascism is to force national cooperation on the basis of existing inequalities and maintain it there by force. Economic discontent is covered up by war, which converts every expression of dissatisfaction into treason. The social program of fascism is to arrange society into fixed classes and keep it in that order by denying freedom of thought, speech and press. Blind faith in the beliefs of the dictator is substituted for thought and reason, while all forms of culture are molded according to formulas which permit not the slightest deviation. Fascism is essentially a political doctrine, which would substitute political arrangement and arbitrary authority for economic needs and social desires.

The advocates of fascism bluntly admit it denies every principle of our American democracy. The definition of fascism given by one of its leaders is, "Fascism combats the whole complex of democratic ideology and repudiates it . . . Fascism denies that the majority can direct human society, it denies that numbers alone can govern by means of periodical consultation . . . Fascism denies in democracy the absurd conventional untruth of political equality . . . and the myth of 'happiness' and indefinite progress. . . ."[4]

The basis of fascism is inequality of rights. It begins with the same premise as the antiquated doctrine of the "divine right of kings." A political dictator is both the foundation and the underlying weakness of fascism. The will of the dictator is substituted for the will of the people. To err is human, but the dictator sets himself up as superhuman. When a dictator makes a mistake, the position of superiority he has assumed, prevents him from admitting his error. Unable to sustain his

[4] Benito Mussolini: In "Enciclopedia Italiana."

position by reason, he appeals to force. He denies freedom of speech and press. Without these corrective influences, the dictator piles error upon error until his foundation of sand gives way. The structure he has built cracks and totters. Struggling blindly with all the strength that gained him the dictatorship, he drags down not only all which his better efforts have constructed, but much of the civilization which preceded him. He draws his nation into war to cover his errors and prevent their discovery. In that way, he hopes the future will worship his memory and confer upon him honor which he covets, but does not deserve.

Democracy can make mistakes, but it has within itself the means of correcting its errors. "The will of the majority, the natural law of every society, is the only sure guardian of the rights of man. Perhaps even this may sometimes err; but its errors are honest, solitary and short-lived."[5] The mistaken leader, party or policy is soon replaced when the majority recognize the cause.

The possibility of fascism was foreseen by Jefferson, who likewise predicted that any effort to establish it in America would fail, because of the temper of our people. He wrote, "Those who assume the right of giving away the reins of government in any case, must be sure that the herd, whom they hand on to the rods and hatchet of the dictator, will lay their necks on the block when he shall nod to them."[6]

It is unlikely that Americans will ever adopt a doctrine that sneers at their goal of happiness. At the present moment every fascist nation in the world is at war, or busy preparing for war. This is no coincidence. The history of fascism has always been, and always will be, war. There can be little happiness without peace. The fascist doctrine, which is opposed

[5] Thomas Jefferson: Letter to Robert C. Weightman, 1787.
[6] Thomas Jefferson: Notes on Virginia.

to our own philosophy, reaps as its harvest the opposite of happiness, misery.

## COMMUNISM

*"Philosophers on the old continent, in their zeal against tyranny, would rush into anarchy; as the horrors of superstition drive them into Atheism."*

JAMES MADISON.[7]

Communism, in its broad definition, is community ownership. In this sense the term could be applied to innumerable forms of cooperative ownership, from the idealistic practices of the early followers of Christ, to the many experiments of the Dunkards, the Moravians and the New Harmony Movement, even to farmers cooperatives, municipal ownership and to the present materialist commercial corporations. But the word "communism," as it is generally used today, refers to the materialistic philosophy of Karl Marx. The term "communist" was applied to the adherents of Marx when he issued his "Communist Manifesto," in 1848.

Communism is mainly an economic doctrine. It finds favor at times of economic disarrangement and appeals to those most affected by conditions. It serves a purpose, if only to make these economic needs apparent. Its antidote is neither ridicule nor force, but improvement in the standard of living. Unlike fascism, which is predicated on brute force, communism is based upon reasoning. It is a philosophy, hence can only be met by a more perfect philosophy which promises a better economic arrangement, as well as a more complete life. Com-

[7] James Madison: Letter to Philip Mazzei, December 10, 1788.

munism can be avoided only by the achievement of our American promise of equality.

To understand the Marxian philosophy requires a knowledge of its source. It developed from the vicious economic conditions of Continental Europe. It is the viewpoint of a hungry man forced by necessity to see everything in life from an economic slant. Marx was materialistic. He had no time for idealism. He ascribed every event of human history to "economic determination." No doubt economic factors played the most important role in primitive times, when humanity was driven and scattered over the earth by scarcity, droughts and famine. But, as man gained intelligence and increased production, abundance and leisure permitted other factors to play a part in his life. The economic factor has always been a determining one in Continental Europe, and it is the dominant factor in European affairs today. It has played an important role in the history of our country, but not to the total exclusion of all other factors. American history is replete with incidents where devotion to our ideals has taken precedence over every element of national selfishness.

The premise from which Marx developed his economic theories was similar to that of capitalism, namely that all economic value is the result of human labor. Marx insisted that human labor power alone is the source of all value. Capitalism credits accumulations of past labor, in the form of capital, with assisting labor to create value. Marx would give the entire results of production to labor, while capitalism claims a share for the capitalist. Neither communism nor capitalism allow for any value in nature itself. Both ignore the value in nature that brought man into existence and has enabled him to sustain life.

All philosophers have recognized human labor as a source of value. A century and a half before Marx, John Locke wrote

"labour makes the far greatest part of the value of things we enjoy in this world." But Locke did not give all the credit to labor, nor to capital and labor together. He acknowledged the values "produced by the spontaneous hand of nature," which he held "belong to mankind in common."[8] Our American philosophy follows Locke in attributing a substantial part of value to nature. The right of all men to an equal share in the substance and forces of nature is part of our equal endowment from the Creator.

To-day, with the use of natural forces rapidly supplanting human labor in production, the fallacy in both capitalism and communism makes these economic theories unsuited to solve our problems. Only by application of the American philosophy of equal rights in nature, can we develop an economic theory which will account for the value resulting both from human labor and from nature itself.

By exalting human labor power above all else, even nature itself, and overlooking the possibility of a Creator, Marx arrived at Atheism. Many forms of communism have been built about particular religious beliefs. Marxian communism centers about religious disbelief. Atheism is essential to the logic of his arguments.

Because of the class system of Continental Europe, Marx concluded that economic justice could be obtained only by a proletariate revolution, followed by a class dictatorship. The dictatorship by a class may be an improvement over dictatorship by an individual, but whether the class is proletariate or aristocratic, it is a contradiction of our American principle of government by "the consent of the governed." It is possible that class dictatorship, which cannot be removed by death, may prove a greater stumbling block to complete equality than an individual dictator.

The entire communistic concept of society is built around

[8] John Locke: "True End of Government," Chapter "Of Property."

the economic factor which supplants all other considerations, political and social. Marx advocated the overthrow of all political governments. Social relationships he viewed as extremely secondary. He thought of a shoemaker in Italy and a shoemaker in America as having everything in common, but he considered the shoemaker, in America, as having no common interest with the clerk, who might be his next door neighbor. Marx wished to erect an entire civilization on an economic structure, held together by economic necessity.

In America, everything in life does not center about one's work. The American considers his work as merely a means to an end. He looks beyond material things to the idealistic "pursuit of happiness." Whatever may be his daily task, there comes a time in America when his day's work is done. Then the American forgets his work, and, as a member of the community in which he lives, takes part in its social and political activities. Abundant conditions in America have allowed the luxury of leisure, and permitted us to develop our philosophy which makes happiness a goal, which is actually attainable.

The successful experiment of communism in Russia has misled many into believing its principles are applicable to America. The history of communism in Russia proves the unfitness of Marxian theories to modern conditions, particularly in the United States. The proletariate revolution in Russia, beginning in 1917, followed closely and successfully the mechanics outlined by Marx, but ten years were required to bring about a semblance of order. In 1927, the industries of Russia were still at the same level as before the World War in 1913. Their total production was only one-fifteenth that of the United States, although the population was greater by forty million people. The original Marxian theory, of bringing about cooperation by Soviets, with each factory owned by its workers, failed to produce the necessary national cooperation. The idea was largely abandoned for national ownership and a national

plan of production, which within five years from 1928 to 1933, increased production to one-fifth that of the United States. From then until the present, production has gradually increased, and though still only a fraction of the production of this country, it represents a vast improvement over old Russia.

The conditions which called for communism in Russia are in no way comparable with those in America. Russia's government was an absolute monarchy, and the church was part and parcel of it. The country was primarily agricultural, with only a few neglected industries. Its people were arranged in fixed classes which barred happiness, and permitted only a morose philosophy, which was a dark contrast to our American sense of humor. Revolution offered a mental relief and economic opportunity, which was eagerly grasped by a majority of the Russians, who hated and feared their government. Americans love and laugh at their government, for its mistakes are their own. We do not fear government, nor our servants whom we place in office. We freely criticize both, and do not hesitate to tell even the President "where he gets off"; in fact, we do so every four years.

Russia, as it progresses, will turn more and more toward the philosophy of democracy. If it continues its principles, calling for economic equality, its people are certain to demand other equalities. Its written constitution, adopted in 1936, speaks in terms of equality and permits a high degree of economic equality. The form of government, organized around a single political party of limited membership, contradicts the political equality it guarantees. The promise of religious liberty is carefully worded in favor of "freedom of anti-religious propaganda." Like our own Constitution, it reflects the imperfection and bias of its makers. Their constitution represents an advance in the direction of democracy, which Russia now claims as its goal.

America has advanced far beyond the necessity of resorting

to Marxian communism. It has developed a high degree of cooperation by its industrial advance, and does not require to be shown the advantages of cooperation on a small scale. Our problem is not one of cooperation, but of the basis of distributing the products of cooperation. The communistic promise of economic equality, without political and social equality, is not likely to be taken in exchange for our own Declaration of complete equality in every phase of human life.

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We have shown that the anti-philosophy of reaction is the viewpoint of the man who is past his prime; that fascism is the doctrine of brute force; and that communism is the philosophy of the hungry man. The philosophy of Americanism represents the viewpoint of the man with mental and physical vigor. He loves life, and wants more of its happiness. He wishes everyone to share the same joy of living. Americanism is a social philosophy in the broadest sense. It comprises not only economic and political phases, but all human affairs, and none to the exclusion of others. The American is not jealous of his philosophy. He wishes all to enjoy its benefits, but has no intention of forcing it upon others by dictatorship or propaganda, for he recognizes the equal right of everyone to follow his own pursuit of happiness.

Our survey of the doctrines of reaction, fascism and communism prove they fail to comply with the requirements of our American philosophy. They may offer a solution for the problems of other countries, but not the problems of America. "Nothing is so important as that America shall separate herself from the systems of Europe, and establish one of her own. Our circumstances, our pursuits, our interests, are distinct, the principles of our policy should be so also."[9]

[9] Thomas Jefferson: Letter to J. Correa de Serra, October 24, 1820.

CHAPTER XXXII

# AN AMERICAN SOLUTION

*"Let us readopt the Declaration of Independence, and with it the practices and policy which harmonize with it."*

ABRAHAM LINCOLN.[1]

THE solution of our problems requires, first, that we decide upon our course, secondly, that we make a beginning, and finally, that we complete the task. The Declaration of Independence directed the course of our nation toward equality, and at the same time gave it a substantial start. We are now obligated to complete the task. During our history we have been confronted by many hazards. Inevitably we found this was because we were off our course. Each crisis was passed by turning again toward equality. Now we are threatened by new problems, and offered new directions. There is, however, only one correct course. The solution requires that we turn once more toward equality, and continue toward our goal. "We must reinstate the birthday promise of the republic; we must reaffirm the Declaration of Independence."[2]

By now all should be able to recognize the principles which are to be applied to our problems. They are founded on "the laws of nature and of Nature's God." From these laws we derive equal natural rights, not because of any fictitious precedent, but because of the equality of the natural needs of man.

[1] Abraham Lincoln: Reply to Stephen Douglas, Peoria, Illinois, October 16, 1854.

[2] Abraham Lincoln: Address First Republican Convention of Illinois, May 29, 1856.

Our equal natural rights extend to every phase of our existence, economic, political and social, or, as stated in the Declaration, "life, liberty and the pursuit of happiness." The rights we enjoy in society, our civil rights, are right only so far as they are founded upon natural right. Our problems arise from the inequalities retained in our civil laws. We are bound by these injustices only so long as we permit ourselves to be bound by them. The power to remove them is ours by reason of our right to alter our laws, and amend our constitutions. Most of our laws are inherited from the past, but we suffer the conditions they cause, by our own defaults. The solution to our problems, "rests on the shoulders of the people."[3]

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We have reached a stage of progress where the greater part of our needs and comforts are derived through society. It is no longer possible for an individual to provide for himself any substantial part of the things he enjoys. "No one man is capable, without the aid of society, of supplying his own wants."[4] No American today would be satisfied with the bare necessities of life, even though he were able to produce them with his own efforts. "It is always possible to go from the natural to the civilized state, but it is never possible to go from the civilized to the natural state."[5] Contentment in modern society requires abundance and variety, which can be obtained only with the efforts of society as a whole. Our economic problems are, therefore, the problems of all society.

Some insist these problems can still be solved by the individual. Their purpose is to maintain themselves in control of our economic affairs. They claim the control they exercise is

[3] James Wilson: Supra. Chapter XIII, Note 16.
[4] Thomas Paine: "Rights of Man."
[5] Thomas Paine: "Agrarian Justice."

over their "own business," but our law, as backward as it is, recognizes that so-called private business, when "affected with public interest," becomes public business, American principles recognize that when a problem affects the individual alone, society has no right to dictate, but when it affects all society, the majority of society have a right to name those to whom they shall give control, and the motives which shall guide that control.

On numerous occasions, our American philosophers explained the proper basis for the division of power between the individual and society. Jefferson clearly defined the position of each in this way, "experience has proved it safer for the mass of individuals composing the society, to reserve to themselves personally the exercise of all rightful powers to which they are competent, and to delegate those, to which they are not competent, to deputies named and removable for unfaithful conduct, by themselves immediately."[6]

As groups of individuals took over functions of the individual, and performed them better than the individual could for himself, it was an indication that the task was becoming one for society rather than the individual. Now that the greatest part of our economic functions are performed by corporations, rather than individuals, there can no longer be any doubt that the powers which they exercise should be delegated to all society, and performed by "deputies named and removable for unfaithful conduct, by themselves alone." Nowhere in our entire philosophy is there any recognition of the right of groups to usurp the powers either of the individual, or of society as a whole.

The functions performed by these groups are necessary and important to all society. It would be unwise for society to attempt to abolish these institutions. However, the inequalities created by these institutions are not only contradictory to our

[6] Thomas Jefferson: Letter to Monsieur Du Pont de Nemour, April 24, 1816.

philosophy, but the concentration of economic power in the control of a few jeopardizes the safety, comfort and happiness of all. The situation in our economic affairs parallels the political situation just before our Revolution. Government was essential to society, but its inequalities, and concentration of political power, created unbearable conditions. To abolish government would have created disorder and anarchy. Our forefathers solved their problem by taking over the institution of government and extending its advantages equally to all members of society.

The same solution applied to our present problems would require society to take over and perform the functions of those institutions, which are necessary to society as a whole, but from which only a small part of our society now profits. In this way, none of the advantages of these institutions would be lost, and the application of our principle of equality would extend their advantages to all.

Constant conflict between private interest and the welfare of society has forced government to take steps to regulate private industry. The doctrine of government regulation is old in the law. During the last fifty years, it has been used with increasing force, but the ultimate right of control over one's own "private property," has proven more powerful than mere regulation. Ownership and control have always been united. It is only natural for control to favor the interest of the private owner against that of all society. While our systems of production and distribution remain in private ownership, we cannot expect them to be controlled for the greatest good of the greatest number.

The attempt of society to better economic conditions by regulation of economic affairs while under private ownership was a natural first step. Inability to accomplish a complete solution, demands the next step. The evolution of human co-operation, which began with production and extended to own-

ership, requires cooperative ownership to become complete. Ownership by society of that which is essential to society as a whole, is both natural and the inevitable development of our American principles.

America is fortunate to have made political democracy its first goal. By so doing, the powerful institution of government became an ally of democracy, rather than an enemy. In other countries, if society should attempt to take over an institution, and extend its benefits to all its members, it would find itself opposed by the forces of government. After our political revolution, government became an agent of society, subject to the equal vote of its members, and obligated to distribute its benefits accordingly. This "device for maintaining the rights of the people, with the ultimate extinction of all privileged classes"[7] can now be used as the instrument to bring about economic democracy.

The suggestion that government shall take on any new function causes some to raise the cry of "government inefficiency." The American people have been too quick to take up and repeat catch-phrases prepared for them by those who wish to perpetuate their control of economic affairs. This attack on government contains a double fallacy. First, it presupposes that those, who criticise government, are themselves efficient. If this were so, we would not be confronted by our present economic problems. Secondly, it argues that society as a whole is not the equal of some of its parts. This is a mathematical impossibility. There is nothing in our theory of government which makes for inefficiency, but quite the reverse. The government of the United States includes all of us. If there is any man, or group of men, who are now capable of performing our eco-

[7] Calvin Coolidge: Supra. Chapter XIV, Note 7.

nomic functions, then government, which includes them, is at least as capable.

Some insist that the motivating force of private profit is essential to the efficient handling of our economic affairs. The profit motive can benefit society, and it accounts for much of human progress. The desire to better one's condition is natural, but it must be distinguished from the desire to acquire property for other purposes. The profit motive is not limited to success against one's fellowmen, but includes the urge to succeed with one's fellowmen. In society, this is the motive for social profit.

When our economic activities were largely individual, private profit was a strong social force. Now that society is dependent upon cooperative effort, the motive of private profit is used by some as an excuse for usurping for themselves alone the profits of cooperation. When the vast majority do not share in the profits, they feel no motivating force, except the whip of necessity. This is the whip-handle which those in control intend to retain.

Just as cooperative effort produces more than individual effort, so the motive of social profit can produce greater progress than the motive of private profit. The solution does not require the removal of the profit motive from our economic system, but the substitution, for the motive of private profit, the more powerful motive of social profit.

The centralization of our corporate structure enables government to take over ownership and control by merely acquiring the paper indicia of ownership, without interfering with the work of actual production or distribution. Every day huge quantities of the stocks and bonds of our industries change hands in the private stock markets. Much of it finds its way into the vaults of people who are totally incapable of exercising any control, and who only intend to collect the profits. Surely government could do this task at least as efficiently.

The element of control that accompanies ownership would not have to be used to change the present management, but the right would be there, if necessary. The concern of those now in control is not because government is incapable of exercising control, but because it may exercise the control too well.

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It is not pretended that the present political structure of government is now sufficient to carry on efficiently the many additional duties required to solve our problems, but it can be made efficient. This may necessitate the granting of new powers. We should think of our government, as Benjamin Franklin thought of Congress, "They are the servants of the people, sent together to do the people's business and promote the public welfare; their power must be sufficient, or their duties cannot be performed."[8]

Government may not have the necessary powers to perform these duties, within the narrow limits of our Constitution, as it is now construed. This is not an overwhelming impediment. The power to amend the Constitution resides with the people, and should be used whenever required. The growing intelligence of the people has probably reached the stage where amendment could be safely entrusted to a direct vote of the people. The precaution of requiring more than a majority to effect a change would be a sufficient safeguard. This would accomplish our ideal of a real compact. "Government is a collection or result of the wills of all, if any government could speak the will of all, it would be perfect; and, as far as it departs from this, it becomes imperfect."[9]

A more complete economic side to our government, in keeping with its new duties will be necessary. It would be a mistake

[8] Benjamin Franklin: Letter to Mr. Whatley, May 23, 1785.
[9] James Wilson: Quoted by Jefferson in his "Autobiography."

to select men for their technical knowledge by the same methods now used to select many of our government officials. It would be equally a mistake to continue to jeopardize our economic welfare by continuing the present haphazard methods of selection used by private business. Nepotism and wealth have no place either in business, or in politics. These relics of monarchy and aristocracy are the usual means of obtaining preference and position today. Our existing system of civil service, combined and correlated with our system of free education, extended to college and technical schools, could be used to select the most competent men in every field of endeavor.

If the United States is to have the benefit of the complete economic strength of the nation, the principal economic powers must reside with the national government, rather than the states. We must adopt the suggestion of James Wilson that "whatever object of government extends in its operation or effects beyond the bounds of a particular state, should be considered as belonging to the government of the United States."[10] With these changes, which are in line with the evolutionary trend of our government, it will be equipped to take upon itself economic duties, as rapidly as the people will call upon it to perform them.

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It is impossible to jump into perfection in one leap. The most pressing of our present problems must be met first. Existing institutions will come under the control of society in the order of the necessity for change. This will be indicated by the failure of these institutions to function for the public good.

The complete breakdown of our system of distribution, in recent years, was a confession of inability on the part of private banking to perform its duties, under modern conditions. In the

[10] James Wilson: Supra. Chapter XXI, Note 18.

past, banks served a useful purpose. The balance of money in our banks was a faithful barometer of the rise and fall of the wealth of our communities. An increase in bank balances indicated more wealth than the individuals required for their immediate needs. The bank then used this surplus as capital to create new facilities for producing greater wealth in the future. In effect, the bank borrowed a seed which it planted where it would grow best. When it ripened and produced seeds of its own, the bank was able to return the seed whenever its rightful owner required it. From the profits of the venture, the bank was paid interest, part of which was retained as its profit, and part paid to the depositors.

The day is past when a business can be started on a little capital and compete successfully with others in the same field. No one bank could lend enough to start a modern business, or even to build a fair sized addition to an industry. To-day, new and additional capital of sufficient size can only be obtained by an issuance of stocks and bonds offered to the general public. A bank can only act as a jobber of small parts of a loan already made. They have become mere subsidiaries of the privately owned and controlled stock exchange.

Before the general breakdown of the banking system, it was admitted "there are national stresses in which the government must support private financial institutions."[11] At present the structure functions only with the aid of government's right of currency, which government borrows at interest; and the government's guarantee of the people's money on deposit, for which the people receive little or no interest. Common honesty requires, that if the people must deposit their money with these institutions, delegate to them rights of government, guarantee their mistakes, and "support" them in bad times, the people are entitled to the profits in good times, and might just as well be in control at all times.

[11] Herbert Hoover: "The Challenge to Liberty."

The incentive to acquire private profit by dipping into the channels of distribution does not add to the general welfare. Whatever force individual initiative may exert in production, it is only a detriment in distribution. Certainly it is not to the advantage of society to entrust distribution to the most acquisitive individuals. The substitution of the motive of social profit for the incentive of private profit in our system of distribution would be all gain and no loss.

The savings of the people will be safer when entrusted to government, "removable for unfaithful conduct, by themselves immediately," than they are when entrusted to the privately controlled stock exchange and its subsidiaries. Government could borrow the seed for new industries, and return it from the profits, whenever the individual needed it. In this way the nation could expand its industries when we could afford it, or prevent unwise expansion, at the expense of the individual, when it was unwarranted. The vast volume of economic statistics compiled by government, and used by the successful manipulators of the stock markets, could be used to guide our economic growth for our own advantage.

The control of both currency and credit would make America's capacity to produce become the real standard of currency circulation, and solve our monetary problems. The profits of capitalism, turned to government, would enable government to solve its financial problems, without resorting to begging by taxation, or borrowing its own money. This solution of governmental finances was suggested by Jefferson at the same time he said, "The circulating medium must be restored to the nation to whom it belongs." He spoke of this right, belonging to the people, as "the only fund on which they can rely for loans; it is the only resource which can never fail them, and it is an abundant one for every necessary purpose." He added, "Let the banks continue if they please, but let them discount for cash alone or for treasury notes." He concluded that, in time

of war, "the alternative forces itself on us, of submitting to the enemy for want of funds, or the suppression of bank paper."[12] Government control of cash, currency, and credit would retain all the advantages of capital, but they would be shared by all; all would be capitalists.

The problems created by our feudal laws of property are more complex than those of distribution and production, but they can be solved by the same principles. We must not lose sight of the right of society to determine what shall be private property, and what shall not.

The trend of our laws has been toward classifying property according to its use. If property is owned and used by the individual for his own needs, society has no right to control or regulate it; while property used in such a way as to affect the public interest, is subject to control and regulation by society. By carrying this evolutionary trend a step further, we would have property classified as private property, and public property. Property used by the individual for his own needs would be private property; while property used by society for the needs of all, would be public property, and owned by government.

This distinction would greatly benefit private property, actually used for private needs. At present, the home, the farm, and other possessions used by the individual for the needs of life, are infringed upon by society through taxation. This is entirely unjustified. The right of the individual to life comes before the right of society, just as self-preservation is more natural than the preservation of the lives of others. A solution to our problems would require recognition by society of the rights of the individual to own his private

[12] Thomas Jefferson: Letter to John W. Eppes, September 11, 1813.

property without being subject to taxation, or other infringement by society.

Ownership by society of the property, which is necessary to its existence, would then be a necessary step in our solution. At present the ownership of such property, with the aid of charters, rights of monopoly, and other inequalities, contradictory to our philosophy, enable a few to extort a tribute from all society. It would not be necessary to attack the entire problem of property by a single sudden step. After distinguishing between private property and public property, we should begin to acquire this public property in the order dictated by necessity.

Since our philosophy provides that "the earth is given as a common stock for man to labor and live on,"[13] we would begin by distinguishing between natural property, such as the earth and the forces of nature, and property created by man. This distinction is a contribution of American philosophy to economic thought.[14] Equality of natural property affords an entirely new basis for an economic system. Old economic theories, based entirely upon human labor power, have broken down. Increased use of natural forces to replace human labor, have created problems, which these outworn doctrines cannot solve.

The natural resources of our nation, on which we are compelled to depend, and the natural forces must, of necessity, be owned equally by the people, if we are to have an equal right to life. By government ownership of natural property, our equal rights are automatically restored without losing

[13] Thomas Jefferson: Supra. Chapter X, Note 4.
[14] Thomas Paine: "Agrarian Justice."

the advantages gained by cooperative ownership. The application of this solution is both immediate and necessary. Competition between man and man is possible, but it is asking too much to require man to compete against the forces of nature, owned and operated by other men. The present practices, continued for another generation will find humanity enslaved by the owners of our power facilities. The solution is government ownership of all natural property, necessary for society as a whole.

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The ownership of great industries created by man, using nature and natural forces, and aided by all society, has become concentrated in a few. These monopolies exclude the right of other Americans from that industry, for competition is impossible. It is silly to talk about "abolishing these monopolies,"[15] or "stamping out monopolistic practices and the concentration of economic power."[16] This force is natural and "desirable."[17] America has pleaded against monopolies for a century without avail. Our solution requires the same mechanics which our forefathers used against the necessary but unequal institution of government. We must take over these necessary monopolies, and extend their benefits to all society.

Society would then turn its attention to other industries, which have not yet reached the stage of monopolies, and examine them as to their effect upon society. Some industries are more essential to society than others. Those most essential should receive first consideration. All industries which require for their existence government rights of franchise

[15] Republican Platform, National Campaign, 1936.
[16] Democratic Platform, National Campaign, 1936.
[17] Woodrow Wilson: Supra. Chapter XXVI, Note 20.

and eminent domain, including all our public utilities, should become public property.

The munitions industry, in private ownership, threatens the peace of our nation. It is natural for those who profit by war to favor that disaster. Where they wield great economic power it is possible for them to force their views upon the unsuspecting public and embroil several nations. The safety of the country requires public ownership of these. This is distinctly American, and was practiced successfully in both the Revolutionary and the Civil Wars. By removing the private profit motive from war, war would be prevented, except where it was necessary to the nation as a whole.

How much further our solution would require the taking over of industries would be a matter for society to decide, as each necessity arose. There need be no prohibition of private industry, but the reverse. The door can always be left open to initiative. It should be observed, however, that initiative is only valuable to society when it makes for new production, not when it seeks to acquire the production of others. Government, in control of finance, can make initiative possible, which is now stifled by the overwhelming odds of existing monopolies.

With public ownership of natural property and monopolies, there would be little likelihood of new accumulations reaching a dangerous stage. There would be no necessity of setting a limit on the accumulation of purely private property. Paine considered this problem and wrote, "It would be impolitic to set bounds to property acquired by industry, and therefore it is right to place the prohibition beyond the probable acquisition to which industry can extend; but there ought to be a limit to property, or the accumulation of it by bequest."[18] Old accumulations, which still remained, would gradually disappear through inheritance taxes, directed only

[18] Thomas Paine: "Rights of Man."

against accumulations of public property, held in private ownership. Our American philosophy specifically provides for the right of society to limit inheritance. Even in recent years, it has been pointed out "that great fortunes, even when accumulated by the man himself, are of limited benefit to the country, and they are detrimental, rather than beneficial, when secured through inheritance."[19]

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Our productive system, no longer hampered by the brakes applied by self-interest could produce to capacity if necessary. The more even distribution of wealth effected by an American solution, would combine with the equal needs of mankind to build up tremendous purchasing power, and tax our capacity to produce. Any question of unemployment would be removed for the immediate future. Fresh purchasing power, would be created by increased wages and a more even distribution of the profits.

At present, the profits over and above wages, both from production and from distribution, go to create comfort, leisure and security for a few. The increased use of natural forces is rapidly increasing these profits. Now, it is creating unemployment for the many, and leisure, security and comfort only for a few. Under an American solution, these profits, increased by the complete use of our capacity, will become a great trust fund, belonging to all, and used for the leisure, security and comfort of all.

This is but an evolution of our present financial institutions, with their stocks, bonds, insurance and trusts, by which a few try to gain security, while the rest must depend on charity, or die in want. This great trust fund will be applied first for security during the three periods, childhood, illness

[19] Theodore Roosevelt: "A Charter of Democracy" (1912).

and old age, afterwards for the extension of our educational systems, and finally, to provide for the additional leisure, which human progress is constantly creating.

Economic democracy must be accomplished without any sacrifice of political and social democracy. There will be no dictation of thought or speech; no interference with the freedom of religion; no prohibition on the activities which one may pursue; no regimentation either by economic necessity or by social compulsion. There will be no classes, not even the present economic distinction of rich and poor. American philosophers did not admit this distinction is either inevitable or God-given. "It is wrong to say God made rich and poor; He made only male and female; and He gave them the earth for their inheritance."[20] The classes in America will not be the rich and the poor; but the rich, and the rich.

This solution is but an outline of the possibilities of our American principles, applied to our economic structure. It is not intended to be complete. It will not create complete equality of wealth, but it will remove many of the handicaps and make the race more nearly even. Equality will be accomplished only after many future generations live under these conditions of equal opportunity. "So I say in relation to the principle that all men are created equal, let it be as nearly reached as we can."[21]

[20] Thomas Paine: Preface to "Agrarian Justice."
[21] Abraham Lincoln: Reply to Douglas, Chicago, July 10, 1858.

## CHAPTER XXXIII

# TRANSITION

*"They meant simply to declare the right, so that enforcement of it might follow as fast as circumstances should permit."*

ABRAHAM LINCOLN.[1]

THE transition of America toward economic democracy began with our Revolution in 1776. Every event since then has brought us nearer to this goal. Recently, this trend has accelerated. Unusual conditions have brought to the foreground the philosophy of Americanism. Its true meaning and intent has been largely withheld from the people, but political discussions are beginning to savor of statesmanship. Orators are re-uttering the phrases of the Declaration. A parallel has been drawn between existing economic inequalities, and political inequalities of colonial times. We are approaching an understanding of the real issue; not a petty conflict between two political parties, not a dispute between capital and labor, not a class struggle between rich and poor; but a direct issue between inequalities, which we have failed to remove, and the American principle of an "equal right to life." "It is the eternal struggle between these two principles—right and wrong—throughout the world. They are the two principles that have stood face to face from the beginning of time; and will ever continue to struggle. The one is the common right of humanity, the other the divine right

[1] Abraham Lincoln: Address Springfield, Ill., June 26, 1857.

of kings. It is the same principle in whatever shape it develops itself. It is the same spirit that says, 'You toil and work and earn bread, and I'll eat it.' "[2]

The struggle for an equal right to life will not end with pretty speeches, nor even threatening words. Man speaks more nobly than he dare act, but his own words chide him into action. Efforts to bring about more nearly equal conditions can postpone but cannot prevent the issue. Legislation, providing for higher wages and shorter hours, is an expedient which helps many, but not all. When it becomes apparent that the natural trend toward greater monopoly cannot be stopped by legislation, the people will reach the same conclusion as in 1776. They will assume their own monopolies just as they assumed their own government.

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It is natural to ask, who will cause this change; how will it be brought about; and when? In America, all these questions can be answered only by the people. Any change will be brought about only "with the consent of the governed." There will be no dictator, neither by an individual nor a class. "A leader may offer, but may not impose himself, nor be imposed on them."[3]

How will these changes be brought about? All foreign philosophies insist economic reform requires the overthrow of existing government by rebellion. Communism would begin with a violent revolution by the people against government. Fascism would have continuous violence on the part of an absolute government against the people. However, Americanism does not require the overthrow of government,

[2] Abraham Lincoln: Reply to Stephen Douglas, October 15, 1858.
[3] Thomas Jefferson: Notes on Virginia.

by violence or otherwise. This is not because the people are without their "right of revolution," for as Jefferson said, "If there be any among us who would wish to dissolve this Union or to change its republican form, let them stand undisturbed as monuments of the safety with which error of opinion may be tolerated where reason is left free to combat it."[4] An American solution does not require the people to take over government now, for they took it over a century and a half ago.

Our Revolution in 1776 reversed the old concept of government. When society captured government, the people became the sovereigns, and they now govern by their appointed servants. Our Revolution cleared the path for evolution. Progress became our legal right. We can have revolution without rebellion. In other countries the people can secure greater freedom only by rebelling against their government. We can gain freedom by extending our government. Revolutions in the past were against government; revolutions in the present need only be for more government.

Our Civil War demonstrates concretely how rebellions have become reversed. Government fought that war to obtain liberty for the slaves. Those who opposed government, fought to retain slavery. Through resistance to rebellion, liberty was extended to the many, against the will of a few who would continue to enslave them. Search the annals of all history; nowhere can be found another instance of a war to free slaves which government did not oppose. Here is one in which government actually fought for freedom.

Such a miracle in revolutions could never have occurred had not our political revolution completely reversed the relationship of government to its people. Thus was made possible a new style of revolution; a revolution "for government."

[4] Thomas Jefferson: First Inaugural Address, March 4, 1801.

A peaceful solution to our economic problems "could not be brought forward till heaven had opened the way by a revolution in the system of government."[5]

Change is the unchanging law of nature. The manner in which the change takes place is often of greater concern to the generation in which it occurs than the change itself. Understanding will do much to prepare the way for peaceful changes. Ignorance and obstinate resistance will not prevent the change, but will only add hardships to it.

The only danger of rebellion, against our government, is on the part of those who oppose the trend of changing conditions. By insisting upon retaining control of our economic affairs, and manipulating them for selfish advantage, they could precipitate a rebellion. It would not be a rebellion of the people against government, but a rebellion by these men against the people and their government. This would be a new kind of rebellion, not to compel progress and gain new equality, but to resist progress and retain old inequalities.

The problem of removing inequalities is difficult. Those who benefit by unfair advantages resist every attempt at reform. They try to attract to their vicious cause larger groups who believe their good fortune is their right, and who have patterned their lives upon these unequal advantages. A sudden change in the laws and customs of society would leave many without means for the support of life. The removal of inequalities must therefore be carefully planned.

The first step is for society to recognize the inequality. It will be denied that these advantages result from inequality of rights. They will be said to be "proper advantages," "good fortune," the result of "superior capabilities," or "God-given rights." Resistance will mark every step. Each reform will be hampered, ridiculed, and its benefit to society denied. The

[5] Thomas Paine: "Agrarian Justice."

greatest advance will be gained by enlightening the people. Actual equality will compel equality of rights.

Since our American philosophy is based upon nature, our transition must be natural, and not by mere fiat of human law. Sudden and ill-considered changes often oppose natural trends, and, while they appear progressive at the moment, in time they become the source of new inequalities. Unfortunately, this sound conservative warning has been mistaken by radicals for an attempt to delay reform, and by reactionaries are justifying their "do-nothing" policy. There is a vast difference between permitting existing inequalities to remain or adopting sudden, ill-considered remedies, and the sound program of removing inequalities in proportion with human progress.

Existing institutions of society are the natural results of human characteristics. We are accustomed to these institutions, and, because of our natural inertia, custom plays a powerful part in our lives. The fact that our institutions developed from human characteristics is not a reason for retaining them as they are, but the reverse. Human nature does change, and the evolution of our social institutions must keep pace with human evolution. We must therefore "deal with our economic system as it is and as it may be modified, not as it might be if we had a clean sheet of paper to write upon; and step by step we shall make it what it should be."[6]

It is much easier to condemn existing institutions and offer concoctions of one's imagination as a substitute. Such a course is indeed radical. Human institutions, as a whole, should not be condemned; to condemn them is to condemn all humanity. Changes in them must therefore conform with the trend of

[6] Woodrow Wilson: Supra. Chapter XXVI, Note 1.

their evolution. Failure to analyze these trends can be a source of many hardships. Society as a whole is tough, and can stand much abuse. Ill-considered experiments will not destroy, nor change the course of society. However, the individual is weak, and ignorant experimentation can cause many individual casualties.

The necessary changes could be brought about if government erected new institutions paralleling the old and performing similar functions. There are many disadvantages to this course. Attempts to set up entirely new institutions not only incur the risk of error, but fail to conform with our habits. Those whose habits have become fixed cannot easily adjust themselves to such changes. The few who would adhere to the old institutions, and stake their lives and fortunes on them, would suffer irreparable damage. The ability of government, backed by the enormous resources of all society to compete successfully against private operation has been unwittingly admitted by those who do not favor government ownership. Referring to "the threat of competition" by an agency of government, the Tennessee Valley Authority, it was judicially admitted, "no private concern could reasonably hope to withstand such force."[7] But society is not an arena within which to continue the struggle to the death. The aim of any solution must be to benefit all without exception.

The safer course is for government to take over existing institutions. This is in direct line with the trend of the evolution of these institutions. There are two ways of accomplishing this end. The one, which will cause the least hardship, and occasion the least disarrangement, is for government to purchase the securities of these institutions from their present owners. Many will object to the great expense, but

[7] Dissenting Opinion: Justice McReynolds, Ashwander vs. Tennessee Valley Authority, 297 U.S. 358.

this is trifling compared to the value of these industries if operated at capacity. The price will be quickly absorbed by future earnings. In the years of depression, that followed 1929, the value we failed to produce could have paid for all the wealth in the country. The Civil War cost three times as much as the value of all the slaves.

Others will object to the public paying the present owners, on the ground that their title is not founded on right. We must remember that these owners have been led by society to believe their title is without blemish. As Paine pointed out, "The fault, however, is not in the present possessors. No complaint is pretended, or ought to be alleged against them, unless they adopt the crime by opposing justice. The fault is in the system, and it has stolen imperceptibly upon the world."[8]

There is some possibility that the owners of these institutions might refuse to sell. Because a man has attained wealth under existing rules, may be a reason why he should be paid for it, it does not furnish any reason why his posterity should live in idleness, served hand and foot by all society, nor why his posterity should inherit his economic power. Nor does it argue that the same rules must be continued forever, if the majority of our society determines otherwise. It must always be remembered that the rules by which this wealth was attained were also created by society. The consent of the owners is desirable, but it is not essential. If the majority of society so order, property can be condemned. If this is done it must be remembered, that the rights of franchise and monopoly will receive no value, for they belong to government, and are improper delegations of the rights of all.

If the hand of control clutches too tightly in the present, the change will be postponed. It will come as a legacy to their posterity, but by a different course. It is either government ownership, by purchase, in the present generation, or

[8] Thomas Paine: "Agrarian Justice."

confiscation at some time in the future. It must be remembered that nothing was paid for the slaves lost to the South by the Civil War, nor for the losses to the liquor industry by the adoption of the 18th amendment.

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When will these changes be brought about? This can be answered only by the people themselves. They have the right to determine what changes will take place, when they will happen, and the order in which they will occur. Our progress in science has advanced far beyond our laws and economic customs. There should be no fear of overrunning the general progress. It would take a great stride in evolution to bring our economic institutions abreast with the intelligence and capabilities of the people.

The power to make these changes resides in the people. There is no safer depository. It is unlikely that this power will be too hastily used. Changes are not made "for light and transient causes; and accordingly all experience hath shown that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed."[9]

Already there has been "a long train of abuses and usurpations" of our equal rights. Reforms in our economic institutions are long overdue. The people have suffered considerably from these defects, but a majority are not aware of the cause, the problems or the method of solution. This situation will be gradually understood. When a majority of our people realize that society as a whole can exercise their rights better than groups or individuals, motivated by private profit, "It would then occur to them that their condition would be much improved if a way could be devised . . .

[9] Declaration of Independence.

so that each individual should possess the strength of the whole number."[10] They will then demand that government take over and exercise these functions, for the profit of all society.

The transition, which began with our Revolution, has reached a stage which necessitates a greater step than usual. We must lengthen our stride and quicken our pace. Our present problems demand a solution in keeping with their importance, but even this will leave our transition incomplete. The purpose of our government is endless. New progress will always be required. It is to be hoped America will always progress; we must always remain in transition. "A progressive state is necessary to the happiness and perfection of man."[11]

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[10] Supra: Chapter VIII, Note 10.
[11] James Wilson: Oration, July 4, 1788.

CHAPTER XXXIV

# THE ACCOMPLISHMENT OF AMERICA'S PURPOSE

*"It was not the mere matter of separation of the colonies from the motherland, but that sentiment in the Declaration of Independence which gave liberty, not alone to the people of this country, but, I hope, to the world for all future time."*

ABRAHAM LINCOLN.[1]

MORE can be gained by inquiring into the future, than recounting the glories of the past. The surest sign of decadence is when a nation dwells on its past accomplishments. Conditions throughout the world are threatening. It is natural to ask whether America will succumb to the same disasters as other countries, or whether it will progress peacefully and speedily toward its goal.

All our American philosophers, at times, viewed the future with apprehension. They foresaw the problems which now confront us. They were not alarmed at the hazards, but they feared lest we might turn from our course. When the nation was young, and still toddling, Jefferson, Madison, Webster and others, pointed to our present problems with great concern. When the nation had just passed through a great crisis, Lincoln also envisioned the problems we now face, and he predicted the ultimate accomplishment of our purpose. "Lincoln saw into the future with the prophetic

[1] Abraham Lincoln: Address, Independence Hall, February 22, 1861.

imagination usually vouchsafed only to the poet and the seer."[2]

The past serves a useful purpose, for its trends indicate the course of the future. We no longer consider it a miracle for man to predict with absolute certainty the future movements of the heavenly bodies. Knowledge of their orbits, their past directions, their present positions and speeds, make the calculation of their future movements an every day problem of modern science. Human institutions are as much the result of natural forces as human beings, and the earth itself. Their trends, and rate of progress, may be predicted, although not with the same certainty, for there is always the element of human interference.

The knowledge that, a century and a half ago, a great nation was dedicated to a very definite purpose; that in the past this nation succeeded in partially achieving its task; and that its people are today demanding it continue on its course, makes it reasonable to predict America will accomplish its purpose.

By adhering to our purpose, the future will see our government become the impartial representative of all society, constantly progressing, performing ever increasing duties, gaining ability and fitness to meet these responsibilities, becoming an efficient agent of society, yet, all the while, faithfully protecting the equal rights of the individual, and advancing toward the ultimate when government and human society will be one, and all its members will share its benefits equally.

Because present problems are mainly economic, it is now important that we advance on the economic front. The near future will find our nation closer to its goal of economic democracy. Attainment of a more equal distribution of wealth is desirable; not because wealth is our most important object, but to prove that it is not. By attaining this end, we will bring

[2] Theodore Roosevelt: Address at Lincoln Memorial at Hodgenville, Kentucky, February 12, 1909.

ourselves nearer to a struggle for new equality, equality of social capabilities. By removing the handicaps of wealth and of poverty, we will not eliminate the force of competition. The field of contestants will be increased; the race will be more even, hence more intense. Humanity has much to gain by this struggle for finer human qualities.

It is not too much to predict that in the future every American citizen will "possess the strength of the whole number,"[3] that everyone will enjoy the security of all society. During manhood each will perform his equal social duties, being well paid for his services, while the profits, accruing from nature and the forces of nature, will create a social fund to secure his future. During childhood, illness and old age, everyone will receive the ultimate care which human knowledge and all society can afford. We have a right to expect that future Americans will indeed be "created equal."

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The philosophy of America applies to all mankind. "The Declaration contemplated the progressive improvement of all men everywhere."[4] Our principle of self-government, however, prevents us from inflicting our philosophy on other nations, by force or propaganda. We recognize the right of other nations to their own beliefs. A philosophy can be spread only by example; by putting its principles into practice, that the world may judge by its accomplishments.

America believes that the solution to the conflicts of the world lies in the principles of democracy. If all humanity were to be consulted before its lives and resources were tossed into the seething caldrons of war; it is unlikely a majority would

[3] Supra: Chapter VIII, Note 10.
[4] Abraham Lincoln: Address at Springfield, Illinois, June 26, 1857.

favor such disaster. The right of one man, one nation, or even of a majority of men, or a majority of nations, to inflict the carnage of war upon all humanity, is denied. "When we take a survey of mankind, we cannot help curse the wretch, who, to the unavoidable misfortunes of nature, shall wilfully add the calamities of war. One would think there were evils enough in the world without studying to increase them; and that life is sufficiently short without shaking the sand that measures it."[5]

When America set its course in the direction of equality, and made for its ultimate objective the happiness of all mankind, it automatically declared itself for peace. By recognizing the consent of the governed as the source of authority, it substituted reason for might, as the method of deciding the controversies not alone of men, but of nations. "Military power has too long governed in the affairs of men: influence of a kind more peaceful and benign is, we hope, about to assume its place. We trust that, in future, men, instead of knowing and treating one another as enemies, and as engaged in enterprises mutually destructive, will know and treat one another as friends, and as jointly operating in plans and systems for promoting the prosperity, the virtue, and the felicity of the human race."[6]

The philosophy of the Declaration of Independence is the belief in the brotherhood of man. It aims to unite all nations on the only basis on which humanity can ever unite, equality. America looks forward to the fulfillment of the prayer of Benjamin Franklin, "God grant that not only the love of liberty, but a thorough knowledge of the rights of man, may pervade all the nations of the earth, so that a philosopher may set his foot anywhere on its surface, and say, This is my country."[7] There is but one way to accomplish this end. We must demon-

[5] Thomas Paine: "The American Crisis."
[6] James Wilson: Lecture, "Of the Judicial Department."
[7] Benjamin Franklin: Letter to David Hartley, December 4, 1789.

strate the worth of democracy to the world, by making democracy complete and successful in America.

The thought has been expressed that the trend toward equality is, "a providential fact, and it possesses all the characteristics of a Divine decree: it is universal, it is durable, it constantly eludes all human interference, and all events as well as all men contribute to its progress."[8]

Both Jefferson and Adams lived to see this nation a half century on the way toward its goal. The close of their lives was marked by a strange occurrence. John Adams, in a letter regretting his health did not permit him to attend the celebration of the Declaration on July 4, 1826, expressed the sentiments that, "Visions of future bliss in prospect, for the better condition of the human race, resulting from this unparalleled event, might be indulged, but sufficient unto the day be the glory thereof; . . ."[9] Neither Jefferson, nor Adams, was destined to live beyond the day which celebrated the fiftieth anniversary of the Declaration. Both died, within a few hours of each other, on July 4, 1826. This may have been merely a coincidence, but it may have been a touch of divine emphasis on the day, the men, and the philosophy they represent.

Though "equality is the natural law of man,"[10] though it may be "a providential fact" and "a divine decree," just when it will be achieved in America depends on ourselves. If we fail to adhere firmly to our purpose we may witness with chagrin

[8] Alexis de Tocqueville: "Democracy in America."
[9] John Adams: Letter to Committee of Arrangements, New York, June 10, 1826.
[10] Euripides: Supra. Chapter II, Note. 4.

its achievement by other nations before it is attained in the land where it was first pronounced. The path toward equality is not without its sacrifices. We must be willing to give up something to save the best and gain more. The course of this nation will not be without its mistakes; America will be tempted to solve its problems by expediencies, and by adopting other philosophies. Though the ultimate of humanity is certain to be equality, the future of America and the immediate future of the world depends on us.

America as a nation came into existence with the Declaration of Independence and could pass out of existence by departing from its principles. We must heed the advice of Lincoln, "I charge you to drop every paltry and insignificant thought for any man's success. It is nothing. . . . But do not destroy that immortal emblem of humanity—the Declaration of American Independence."[11]

This work, on the Declaration of Independence, ends with the words of the author of that instrument, "I pray God that its principles will be eternal."[12]

[11] Abraham Lincoln: Address, Beardstown, August 12, 1858.
[12] Thomas Jefferson: Letter to James Madison, August 30, 1823.